



# The Yukon Legislative Assembly

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Debates & Proceedings

**Tuesday, November 8, 1977**

Speaker: The Honourable Donald Taylor



Whitehorse, Yukon Territory  
November 5, 1977

**Mr. Speaker:** I call the House to order.  
We will proceed with prayers.

*Prayers*

**Mr. Speaker:** We will proceed at this time with the Order Paper.

#### ROUTINE PROCEEDINGS

**Mr. Speaker:** Are there any Tabling of Documents this morning?

The Honourable Member from Whitehorse North Centre.

#### TABLING OF DOCUMENTS

**Hon. Mr. McKinnon:** Mr. Speaker, I have for tabling, Resolutions of the 1977 First Session, attached replies. Just as a note of clarification, Mr. Speaker, this is the reply from the old Minister of Indian Affairs and Northern Development on the Block Land Transfers, which was in the negative. The new Minister of Indian Affairs has been approached and we have not received an answer from him to this point in time.

I think we're going to have to preface our remarks old and new Minister at the rate of change that we see in the Department of Indian Affairs and Northern Development.

Also, Mr. Speaker, pursuant to Section 102.(1) of the *Yukon Public Service Staff Relations Ordinance*, I have for tabling, the Yukon Public Service Staff Relations Board Annual Report for 1976-77.

**Mr. Speaker:** The Honourable Member from Whitehorse West.

**Hon. Mrs. Whyard:** Mr. Speaker, I have tabling, a green paper on Appointment to the Yukon Territorial Water Board. I know that all members of this House share with me our regret that the serious illness of Mr. Bert Boyd, a former member of this Legislative Assembly, whose resignation makes this paper imperative.

Mr. Speaker, also, pursuant to Section 8.(1) of the *Hospital Insurance Services Ordinance*, I have for tabling the Annual Report, Yukon Hospital Insurance Services, 1976, and pursuant to Section 56.(1) of the *Workmen's Compensation Ordinance*, I am tabling the financial statement of Yukon Workmen's Compensation Fund for the year ended March 31st, 1976.

**Mr. Speaker:** Are there any further documents or correspondence for tabling this morning?

Are there any Reports of Committees?

The Honourable Member from Whitehorse Riverdale.

#### REPORTS OF COMMITTEES

**Mr. Jengerke:** Mr. Speaker, I have for tabling this morning, the Second Report of the Standing Committee on Constitutional Development for Yukon.

The purpose of this report is to apprise Members of the Legislature of events that have taken place since April 20th, 1977.

From the date of the First Report of the Constitutional Development Committee, your committee has held nine meetings. On May 2nd, your committee met with Eric Nielsen, MP; on June 1, 1977, with Senator Paul Lucier; on June 5th, 1977, with Warren Allmand, Minister of Indian Affairs and Northern Development; and on September 12th, 1977, with Commissioner A.M. Pearson.

The June 5th meeting was held in camera in the Legislative Block of the Capital Building. At that meeting, your committee encouraged discussion with the Minister of Indian Affairs and Northern Development on recommendations of its first report.

It was pointed out to the Minister, the steps taken in response to his stated concerns and our desires to take on more responsible government at this time.

Your Committee further reiterated the Legislature's posi-

tion for its ultimate long range goal: the attainment of fully responsible government for Yukon.

Your Committee presented the Minister of Indian Affairs and Northern Development with a draft copy of a proposed new Yukon Act, stressing that this was the position of the Standing Committee only and it must be tabled and discussed with other members of the Legislature during the Fall Session.

Your Committee discussed with the Minister, the proposed Federal major policy statement on northern affairs that was to be forthcoming by July or August of 1977. It was emphasized to him that a new Yukon Act was our ultimate goal and that the Committee recognized that the Act must be considered enacted by the Government of Canada.

For the interim, support and assistance was solicited from the Minister in carrying out the following:

1. The expansion of the Yukon Legislative Assembly to sixteen members. (As you know, this is now being done.)
2. Expansion of elected representation to the Executive Committee.
3. Amendments to instructions, as provided by the Minister of Indian Affairs and Northern Development, to the Commissioner of Yukon.

The Minister indicated the answers to Committee's proposals would be covered in his policy statement which was to be released in July, 1977. However, with the appointment of a new Minister of Indian Affairs and Northern Development, it now appears that the policy statement will not be forthcoming.

It will be your Committee's intention to fulfill commitments made to meet with Joe Clark, Leader of the Opposition, Walter Dimsdale, Chairman of the Progressive Conservative Party Committee on Constitutional Development, and Ed Broadbent, Leader of the NDP.

We wish to report that your Committee, at its last two meetings, discussed at length and with genuine concern, the need for a special committee to be named by the Legislature. The purpose of the Committee would be to examine and develop positions on legislation with respect to the pipeline project, so that interests of all Yukoners in those matters will be safeguarded. These discussions resulted because of the Committee's recognition that a major project, such as the Alaska Highway Gas Pipeline, will challenge the capability and resources of Yukon in its efforts to gain greater responsible government.

The Committee on Constitutional Development for Yukon is vitally concerned that because of the forthcoming pipeline activity and involvement, matters pertaining to Yukon's normal economic growth and political development may be neglected.

We need to ensure for the people of Yukon, that matters of controlled economic growth and planning, transportation and mining, tourism, parks and land, and native affairs, be further represented and made responsibilities at the Executive Committee level.

Recommendations: your Committee recommends:

1. That the proposed new Yukon Act be tabled with and forming part of this report, be this Assembly's official and ultimate position with respect to responsible government for Yukon.
2. That the terms of reference for this Standing Committee be expanded to allow the Committee to negotiate for more responsible government for Yukon and that this Committee request, on behalf of this Assembly, that the Prime Minister, the Honourable Pierre Trudeau, be the Federal Government's special representative for constitutional development for Yukon.

Thank You.

**Mr. Speaker:** Are there any further Reports of Committees? Petitions? Introduction of Bills?

The Honourable Member from Whitehorse Porter Creek.

#### **BILLS: INTRODUCTION AND FIRST READING**

**Hon. Mr. Lang:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that bills entitled *Elections Ordinance, 1977* and an *Ordinance to Amend the Interpretations Ordinance* be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse North Centre, that bills entitled *Elections Ordinance, 1977* and an *Ordinance to Amend the Interpretations Ordinance* be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** When shall the Bill be read for the second time?

**Hon. Mr. Lang:** Mr. Speaker, at the next sitting day.

**Mr. Speaker:** Are there any further Introduction of Bills? The Honourable Member from Whitehorse South Centre.

**Mr. Hibberd:** Mr. Speaker, I move, seconded by the Honourable Member from Pelly, that a Private Member's Public Bill, entitled *An Ordinance Respecting the Legislative Assembly* be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Pelly River, that a Bill entitled *An Ordinance Respecting the Legislative Assembly* be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** When shall the Bill be read for a second time?

**Mr. Hibberd:** At the next sitting, Mr. Speaker.

**Mr. Speaker:** Are there any further Bills for Introduction? We will then proceed to Notices of Motion for the Production of Papers. The Honourable Member from Ogilvie.

#### **NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS**

**Ms Millard:** Mr. Speaker, I have a motion, seconded by the Member from Klondike, that the study done this summer by George Lark, of the Department of Indian Affairs and Northern Development, on the closure of the Clinton Creek Mine be held in this House.

**Mr. Speaker:** Are there any further Notices of Motion for the Production of Papers?

Are there any Notices of Motion or Resolution?

The Honourable Member from Pelly River?

#### **NOTICES OF MOTION**

**Mr. McCall:** Yes, Mr. Speaker, I would like to give Notice of Motion, seconded by Mr. McIntyre, that a special commission on labour standards in the Yukon be established to seek public opinion throughout the Yukon for the purposes of identifying the deficiencies in existing or proposed Labour Standards Legislation and recommend any improvements thereto, whether by way of a report, a bill, or both, to the members of the Yukon Legislative Assembly.

That the members of said committee be three in number, and be appointed by the Yukon Legislative Assembly,

That the committee have the authority to retain the professional, clerical and stenographic help required,

That the committee have the authority to adjourn from place to place and to hold public meetings and seek public opinion,

That the committee have the power to call for persons, papers and records; to print such papers and documents as may be ordered by the committee; to arrange for verbatim transcripts and sit during intersessional periods.

**Mr. Speaker:** Are there any further Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, I give Notice of Motion, moved by myself, seconded by the Member from Kluane, that this Assembly concurs with the proposals outlined in the report of the Electoral District Boundaries Commission, established under the provisions of Section 4.(2) of the *Electoral District Boundaries Commission Ordinance* on May 12, 1977 by Commissioner's Orders 1977/80 and 1977/81 respectively.

**Mr. Speaker:** Are there any further Notices of Motion or Resolution?

The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, Notice of Motion, moved by myself, seconded by the Member from Mayo, that the second report on the Standing Committee on Constitutional Development for Yukon, presented November 8, 1977 be concurred in.

**Mr. Speaker:** There being no further Notices of Motion or Resolution, we will proceed to Statements by Ministers.

This brings us then to the Question Period. Have you any questions?

The Honourable Member from Hootalinqua?

#### **QUESTION PERIOD**

**Question re: Teslin Sewage Project**

**Mr. Fleming:** Yes, Mr. Speaker, for the Minister of Local Government, in respect of the completion date of the sewerage project in Teslin. Will, or will not, that project be in operation this winter?

**Mr. Speaker:** The Honourable Minister of Highways and Public Works?

**Hon. Mr. McKinnon:** Mr. Speaker, I don't keep a daily record of the actual progress of all of the myriad of activities that Municipal Engineering has undertaken, but I will get that information and give it to the Honourable Member at the coffee break where he could have got it at any rate.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Question re: Native Advisor Position**

**Ms Millard:** Mr. Speaker, a question for Mr. Commissioner. This morning, we received a copy of a letter which was dated November 4th from the Yukon Native Brotherhood to Mr. Commissioner, which states that the position of the Native Advisor, which was recently implemented this Spring in the government, the position does not serve the interests of the Indian people. The Executive Council of the Yukon Native Brotherhood have decided, by unanimous vote, to not recognize this position and respectfully request its termination.

I would like Mr. Commissioner's comments on this, whether or not the position will be terminated.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, I also received that letter, since it was addressed to me, and I was most disturbed to receive that letter in view of the deliberations that had gone on, and the discussions that had gone on prior to creating that position and the employment of Mrs. Wabisca.

I think, as all members know, Mr. Speaker, we heard from the Minister of Indian and Northern Affairs, and we heard from the Chairman of the Council for Yukon Indians, regard-

ing issues identical, or very similar, to this at the Fall Session of this Assembly in 1976. It was a direct result of the initiative laid on us by these individuals explaining to us that the Indian people want representation, they want representation at the elected level, and you people have moved to try to guarantee that; they want representation in our government where they can participate, and we are trying to provide that in a meaningful way.

The hiring of a Special Advisor to the Executive Committee resulted after discussions with the Chairman of the Council for Yukon Indians and his executive. I asked them for nominations and names for people that they would find suitable for such a position. After receiving them and interviewing the various people, we selected Mrs. Wabisca.

She accepted the job with the support of the native organizations. I could go into a great deal of detail as to everything that we went through in making this decision and hiring this person.

Then, after the fact, though, to receive this letter from the President of the Yukon Native Brotherhood you can see greatly disturbs me. Although we have not discussed this in Executive Committee, I am quite sure that I speak for them all, that we will not, I repeat—will not—be doing away with the position of Native Advisor to this government because of that representation expressed in that letter.

This position has proved very useful to this government in reviewing policies, and reviewing issues that concern Indian people. We were fully aware, Mr. Speaker, that simply by hiring a Native Advisor was not going to allow us to reach agreement in accord with native organizations on every issue, particularly the native organizations, because each of them indeed have their own political line to follow. But we feel that we are getting meaningful participation now, if not from all of the native organizations on every issue, then from many of the Indian people and many of the Indian organizations on most of the issues.

Thus, it is my personal feeling, unless in discussion at the Executive Committee, that decision will reverse, my decision is not to drop that position.

**Mr. Speaker:** Are there any further questions? The Honourable Member from Whitehorse South Centre.

**Question re: Misconduct Charges Against Lawyer Withdrawn**

**Mr. Hibberd:** A question for the Commissioner, Mr. Speaker, he can take it as an oral or as a written question. Would the Commissioner advise this House on the circumstances surrounding the withdrawal of the charges of professional misconduct against a local lawyer and of the Commissioner's role in that matter?

**Mr. Speaker:** That is a written question?

Are there any further questions? The Honourable Member from Kluane.

**Question re: Beaver Creek Post Office**

**Mrs. Watson:** Yes, Mr. Speaker, I have a question for the Minister of Education. My question is regarding the Post Office at Beaver Creek. Now the Minister knows full well that a letter went to the community, from the government, suggesting they use the community hall or they build on to the community hall and I don't think that I have to explain to the Members here how ludicrous a suggestion of building on to the community hall is for the small number of people that you have in the community.

My question to the Minister is: would he consider, and reply to my question within the next few weeks, next few days, using unoccupied, unnecessary space in the school at Beaver Creek, space that is not being utilized and that is being heated and that is being paid for by the taxpayers of Yukon and of Canada. I would like a reply within a few days, for the use of a post office at Beaver Creek.

**Mr. Speaker:** The question is very borderline. It is difficult

for the Chair to ascertain whether this is intended as direction to government. If it was the case, the question would be disallowed, but if, simply, an answer is required to that question, perhaps I'll permit it to be posed.

The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, from what the Honourable Member has said, I take it that that is a written question, is that not correct? Then, I will come forth with a reply in the next, like you said, couple of weeks.

**Mr. Speaker:** The Honourable Member from Kluane.

**Mrs. Watson:** Mr. Speaker, if the Minister is going to have trouble remembering the question, I'll certainly make it written.

**Mr. Speaker:** The Honourable Member from Riverdale.

**Question re: NCPD Debt Write-off**

**Mr. Lengerke:** Thank you, Mr. Speaker. This morning I have a question, I guess, the Commissioner, and it is prompted by a very great concern. I see a headline in the paper, NCPD would have made profit if it wasn't for interest, and it's part of my notes as well.

Mr. Speaker, I ask the question: did the government receive any response from the former Minister of Indian Affairs with respect to the Resolution Number 2, of last Session, dealing with the matter of NCPD Debt Write-off, and I think it is a very timely question because we do, today, have a new Minister visiting.

**Mr. Speaker:** Order, please.

Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, we have received no definitive answer from the Minister of Indian and Northern Affairs that I can explain to this House what may or not happen with regard to debt financing of Northern Canada Power Commission.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Question re: Appointment of New Positions**

**Ms Millard:** Mr. Speaker, some questions concerning the Speech from the Throne, particularly pipeline matters, to Mr. Commissioner.

In the Speech from the Throne it was mentioned that two new positions would be forthcoming: a permanent liaison position in Ottawa and a community liaison officer, as well, a community advisory group. Of these positions, I would like to know, who will appoint them, who will they be responsible to, and what duties do they have?

**Mr. Speaker:** That is a written question?

**Ms Millard:** If he prefers it that way, Mr. Speaker.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Yes, Mr. Speaker, because of the embryonic nature of the actual organization structure, I would prefer that to have a written question so I may consult properly with the Public Service Commissioner and bring back the correct answer.

**Mr. Speaker:** The Honourable Member from Kluane?

**Question re: Customs Facility at Beaver Creek**

**Mrs. Watson:** Yes, Mr. Speaker, I have a question for the Commissioner.

Two years ago the government of the Territory made representation to the Department of National Revenue regarding the Customs facilities which now exist at Beaver Creek. At that time they were requesting that a new building be constructed at a site outside the centre of the community.

My question is: has the government had a reply to the request regarding the Customs facilities at Beaver Creek, and

what in essence was that reply, if you have received one, from the Government of Canada?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, there is a plan in the Federal Government budgetary program for construction of a new facility at Beaver Creek. I can't say exactly what year that would happen without checking with them. What has happened in the interval is that through the Federal Inter-departmental Co-ordinating Committee, of which I am Chairman, we have tried to pull all Federal Government departments, as well as the Yukon Territorial Government, to see whether there was indeed the possibility for a common facility. There are other federal departments that have people in Beaver Creek, and others that should, like the Post Office, but we have been unable, because of the unique nature of the Customs Office, which it was this House's deliberation which stated that it should be outside the community of Beaver Creek, closer to the border. Because of that reason, we seem to be unable to reach a consensus with regard to number of agencies in one building.

So, my understanding at the present time is that Customs will go ahead on their own and will be building that new facility.

**Mr. Speaker:** The Honourable Member from Kluane?

**Mrs. Watson:** Mr. Speaker, as a supplementary, I wonder if Mr. Commissioner could inform me of the date or the year that they plan to proceed with the construction of the new facility?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, I will be pleased to obtain that information.

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

question re: YWCA Closing

**Mr. Lengerke:** Mr. Speaker, a question for the Minister of Health. I wonder if the Minister or the Minister's department is concerned with the possible closing of the YWCA at the end of this month?

**Mr. Speaker:** The Honourable Minister of Human Resources?

**Hon. Mrs. Whyard:** Mr. Speaker, my department certainly is concerned. We have gone on record a number of times regarding the value of that particular facility in the City of Whitehorse, which serves people from every part of the Territory.

To be specific in reply to your question, a number of our clients are accommodated in the YWCA. We have done a survey in the last few days and find that we have been referring approximately 18 people per day, I don't mean new people, but there would be an occupancy maximum of 18 at a time in that building, which accommodates something like 96— a capacity for 96.

These people are referred there by the Social Assistance Branch. They are referred there from Alcoholism and Drug Abuse Branch. They are referred there not directly by Corrections, but as a result of being inmates. We use that building for many valuable purposes and there is no other resource in this Capital City which is willing to take those people. Some of them are not very attractive people, they are certainly not people that hotels want. There has been no alternative resource located as far as I now at this time.

My officials are in daily contact with the people there and the numbers who may require alternative accommodation if that facility closes.

**Mr. Speaker:** The honourable Member from Whitehorse Riverdale.

**Mr. Lengerke:** Yes, supplementary to that: then I would be correct in saying that government, and certainly your department, has been trying to identify new uses with respect to that building, and would I be correct, Madam Minister, in thinking that maybe you would propose a new administrative body, but yet allowing the YWCA to operate from that facility? Are these things that could happen, or are you...?

**Mr. Speaker:** Perhaps the questions ought to be directed through the Chair, however...

**Mr. Lengerke:** My apologies, Mr. Speaker.

**Mr. Speaker:** ...they are directed at the Minister of Human Resources.

**Hon. Mrs. Whyard:** No, Mr. Speaker, we have not been investigating alternative uses for that building, because it is not within our jurisdiction in the Department of Health and Human Resources. There is another member of this government who is responsible for the Yukon Housing Corporation. You might like to direct those questions to him.

**Mr. Speaker:** The Honourable Minister of Education.

**Hon. Mr. Lang:** Mr. Speaker, I have had the opportunity of meeting informally with the City in respect to that particular facility. As everyone is aware, the present organization running the facility has agreed to, on November 30th, to withdraw from the running of that building. I don't know what the legal jargon is but the Yukon Housing Corporation is doing a total financial assessment of the facility itself and hopefully, at a later date, we can get together with the city to discuss what other options are available for that building so that some serious discussions can get underway with CMHC.

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Supplementary to that, what would that later date be? What is your goal in presenting some alternates?

**Mr. Speaker:** I would assume that the Member intended that that question be asked of the Chair, is that correct?

**Mr. Lengerke:** Yes, Mr. Speaker.

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, in respect to this Government, and the facility referred to as the YWCA, you will recall, approximately two years ago, a proposal was put to the city in respect to cost sharing in respect to the building on a three-way venture with CMHC, the city and ourselves.

Subsequently, the City made the decision that they felt it was too big and subsequently turned down that offer. I think it is fair to say that in respect to all Members in this House that if the city should participate in any venture in respect to that building, because it does serve some functions in the City of Whitehorse so there some can be some sort of a three-way agreement with the individuals responsible from Ottawa, which is CMHC.

Until which time I have had the assessment done and had an opportunity to go through the various alternative uses that could be made of that building, I can't speak any further on the subject. All I can say is that I hope that the City and ourselves can get together and get to some serious discussions with CMHC once all this has been done.

**Mr. Speaker:** The Honourable member from Whitehorse South Centre?

Question re: Recommendations regarding Regulatory Agency

**Mr. Hibberd:** Mr. Speaker, I have a question that I would direct to the Chair this morning and I would hope the Commissioner would be able to help the Chair in answering the question.

During the Throne Speech, there was several recommendations made regarding the Regulatory Agency. There were nine recommendations made and I think several of these recommendations were of considerable merit. Can the Commissioner give us any assurance that these have been submitted to the Federal Government and the Federal Government is giving consideration to these recommendations in the implementation of the Legislation that will be forthcoming?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, I can answer the first part of that question, and indeed they have been submitted to the Federal Government, our recommendations, in the form of a letter addressed to Mr. Basil Robinson, the Northern Pipeline Commissioner, with a copy to Michael Pitfield in the Privy Council Office. I believe it is between those two shops that recommendations will be brought forward to Cabinet for legislation that will create the single regulatory agency. I cannot answer the second part of your question. I do not know when or if these recommendations will be taken into consideration and whether they will be included in the legislation.

**Mr. Speaker:** The Honourable Member from Whitehorse South Centre?

**Mr. Hibberd:** Supplementary, Mr. Speaker, is the Government intending to make any further representation to ensure that these are being considered by the Federal Government?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, yes, indeed, we are certainly intent on following up these recommendations and ensuring that the Yukon view is heard and is included in any creation of a regulatory agency for the Yukon.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Ms Millard:** Mr. Speaker, further to questioning on the proposals about the regulatory agency which we heard in the Speech from the Throne, one of the recommendations was that the costs of the regulatory agency be charged to the applicant and I find that that's quite a conflict of interest situation. I'm wondering if the Commissioner has any plans on how the influence of Foothills will be offset on the regulatory agency, if they do pay for it?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Well, Mr. Speaker, I would expect it would be included in a very definite letter of understanding and probably one of the terms and conditions of granting a licence, it would not be a case of Foothills being able to pull the purse strings and therefore effectively eliminate, or render useless, a regulatory agency. This is a standard practice of having the Applicant pay for such an item.

I don't see any problem from that standpoint. I do see a problem from the other standpoint, of allowing this agency to expand, unlimited, so that it creates an octopus, a very large organization which completely enshrouds other organizations along the pipeline route and that is again, one of our major concerns and we feel that there should be a definite budget for this agency. It should be established with a budget, the agreement for funding established well before the organization goes into effect and the budget must be maintained and it must be adhered to.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Ms Millard:** Mr. Speaker, further to costs involved in the pipeline proposal, it was suggested in the Speech from the Throne that an information campaign—that the Territorial Government be involved in an information campaign outside the Yukon stressing that jobs were not available, or what was available. What percentage would we be paying for the cost of that campaign?

**Mr. Speaker:** Was that question directed at the Commissioner?

**Ms Millard:** Yes, Mr. Speaker, sorry.

**Mr. Commissioner:** Mr. Speaker, I don't believe that information has been thoroughly discussed but I believe that the Executive Committee Member for Manpower would be able to provide what information we do have. It is his people that have been involved, if the question could be directed to him.

**Mr. Speaker:** The Honourable Minister of Education?

**Hon. Mr. Lang:** Mr. Speaker, the department, with the information services as well as the Canada Manpower here and the Applicant, Foothills, will be getting together in the very near future and then obviously we should have some figures that we can look at that time.

**Mr. Speaker:** The Honourable Member from Klondike?

**Question re:**

**Mr. Berger:** Yes, Mr. Speaker, I have a question for Mr. Commissioner, this morning. In the Votes and Proceedings, I am a little confused. Mr. Hibberd asked a question concerning the 200 million dollar loan that is available to this Territory and also to the Federal Government departments. One answer Mr. Commissioner gave yesterday, he said, and I quote: "I don't know whether the Federal Government will want to use line of credit established by Foothills to mitigate their costs and then pay it back out of their own revenues, or whether they would prefer a far more preferential interest rate,..." which really has nothing to do with the question asked.

Further on, Mr. Commissioner said, on a definite basis, that if the Federal Government will use the funds, that this Territory will not have to pay it back. My question to Mr. Commissioner would be, maybe he could clarify it to this House, to me and the people of the Yukon, if there is an agreement between the Federal Government and this Territory, that the people in this Territory will not be held responsible to pay back any funds used by the Federal Government agencies.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, I'll be pleased to clarify. What I said yesterday was consistent, though, there were not conflicts there if it is read properly. I have said that there is an agreement between Canada and the United States that has accepted the fact that there will be funds required by the Canadian government and by the Government of Yukon for mitigative purposes to offset socio-economic impact in the Yukon prior to the beginning of operation of the pipeline. What that means, Mr. Speaker, is that prior to tax revenues flowing to the Government of the Yukon, this government may have to spend money to offset socio-economic impact, thus, the availability of funds, of dollars, is acknowledged.

There is an understanding that only funds spent by this government, and I would assume that these would be passed in the normal manner legislated by this body, only those funds so enacted would be repaid out of revenue coming to the Territorial Government from taxes applied against the pipeline itself.

**Mr. Speaker:** The Honourable Member from Whitehorse South Centre?

**Mr. Hibberd:** Thank you, Mr. Speaker, with respect, I don't think the question was answered. The Honourable Member from Klondike had asked whether there was any agreement reached between this government and the Federal Government on the usage of this fund. He asked if there was any formal agreement. I don't think we have had an answer to that question.

**Mr. Speaker:** Perhaps Mr. Commissioner would wish to comment.

**Mr. Commissioner:** Mr. Speaker, we have an understanding, we do not have, as I said yesterday, a written agreement, no. I answered that question yesterday. There is no written agreement between the Government of Yukon and the Federal Government, but we have discussed this and there is an understanding that this is indeed the way funds will be handled with regard to socio-economic impact and if we decided, or if it's a decision of this House that they don't want to spend any money on socio-economic impact, there is no need to call on any of that \$200 million that is available.

I think there is a misunderstanding, Mr. Speaker, with this word "fund". There is no fund, there is just a line of credit. The agreement is that Foothills will make available, as required, or as requested, money and that the money as required and as requested by this Legislature will have to be paid back by this Legislature out of future revenues that will accrue from the pipeline through property taxes.

With regard to money spent by the Federal Government, the only situation that I can imagine that this Legislature and this Government might get involved with them, would be through some co-operative venture, such as you have been discussing this morning, an information program with regard to migration or in-migration of people.

Perhaps a manpower delivery program, or perhaps a training program; areas where there is a joint responsibility with the Territorial and the Federal Governments. In those areas, this Legislature may be asked to vote on expenditure of some funds that would be shared in their costs, but only the Yukon share would be paid back out of Yukon revenues.

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Supplementary to that question, Mr. Speaker. I wonder if the Commissioner could tell me what this government's estimate is with respect to the socio-economic impact. In other words, I expect that they have done some estimating of the funds required and I would like to know how many dollars that is on an annual basis?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, that question is impossible to answer at this time, for the following reasons: we placed, in our presentation to the Lysyk Inquiry, and we still stress, that the major cause of socio-economic impact and thus creation of mitigative measures and expenditure of funds would be uncontrolled in-migration. If we can control in-migration of people coming north, speculatively looking for work or control the flow of labour in and out of the Yukon, businesses in and out of the Yukon, in an orderly and controlled fashion, then our costs for socio-economic impact may be minimal indeed.

But, if we can't do that, they could be enormous and so it's impossible to give an answer on that question at this time.

**Mr. Speaker:** The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, supplementary to that. I can't really concur with the Commissioner's comments that it would be impossible, because certainly—

**Mr. Speaker:** Order please, the Honourable Member is ranging into debate.

**Mr. Lengerke:** Well, I would like to know, Mr. Speaker, what dollar, what expenditures, do we spend now for socio related activities? What's our budget? In the neighbourhood of \$10 million?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, is the Honourable Member speaking about the budget for the Social Welfare

Branch? Mr. Speaker, with respect, I would suggest that that has very little relevance to what we are talking about, because socio-economic impacts will occur in many areas of this government, not just in the Social Welfare Branch.

With socio-economic impact, we are talking about possible stresses on our school system, we are talking about increased medical care, it's an enormous topic, not just the straight giving of welfare cheques to people who are looking for social assistance, and thus, it becomes so complicated, Mr. Speaker.

That's why I beg to suggest that it's very difficult to give this House a clear understanding since we don't have a clear understanding of what those costs may be and for the very reason I expressed earlier. The number of people coming to this Territory will determine how extensive are the socio-economic impacts.

**Mr. Speaker:** The Honourable Member from Kluane?

**Mrs. Watson:** Yes, Mr. Speaker, I have a supplementary question for the Commissioner.

Mr. Commissioner, you constantly speak about an understanding and to the questions regarding the line of credit that's available to the Yukon, you again said that this was an understanding.

**Mr. Speaker:** Order, please. I'm wondering if the question could perhaps more properly be addressed to the Chair.

**Mrs. Watson:** Mr. Speaker, would the Commissioner indicate whether he will be attempting to get this understanding tied into an agreement or a very clearly defined letter of understanding signed by both governments.

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, in response to the Honourable Member's question, I can assure her that this government is trying its best in every area of this pipeline to reach a clear understanding and to obtain it in a way that will satisfy all members that it is a permanent and final agreement with regard to these issues. That is the reason we are creating, in this government, a special, small unit to look specifically at pipeline problems, why we will have liaison officer permanently in Ottawa, and I can assure her that we will be very diligent in getting these things in writing for this House so that when we assure them that again their input is heard and is going to be recognized.

**Mr. Speaker:** The Honourable Member from Ogilvie.

**Question re: Increasing Demands for Government Services**

**Ms Millard:** Mr. Speaker, a question for Mr. Commissioner, again referring to the Speech from the Throne, where I can quote a small quote from it, because I seem to be very confused about this matter. It says:

"Increasing demands for government services will require additional funds. These additional requirements may not be available from the Federal Treasury in this period of restraint. Consequently, in times when some programs will need to be expanded, we are faced with the possibility of a tight budget."

Since we've been continually assured that it is not going to cost the Territory any additional funds for socio-economic costs, from various sources, then do these costs refer to some other cost?

**Mr. Speaker:** Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, that statement refers to other services of the government. I would not like the Honourable Members, or the public, for that matter, to forget that there is an awful lot more of the Yukon and an awful lot of other things going on. We feel confident that the pipeline is going to be well in hand, but we are just a little worried about some of the other expanding costs that we are experiencing

and the fact that the rest of the country is in somewhat of a recession and so the Federal Government is cutting back on their costs. In the face of these increased demands by the public, this government recognizes that priorities will have to be meaningful and they will have to be justifiable in front of this House so that they will support those priorities and the expenditure of funds in the Yukon.

**Mr. Speaker:** The Honourable Member from Ogilvie.

**Ms Millard:** Mr. Speaker, just supplementary to that then, then can we anticipate that our budget will have greater expenses than revenues from the pipeline?

**Mr. Speaker:** Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, I was talking about the other things, not the pipeline. The pipeline can be covered. Any expenditures that this House feels are essential to the pipeline and in which are clearly related to the pipeline, the money will be available through the line of credit of up to two hundred million dollars. That, remember, is between now and the time when tax revenues start flowing, which is 1983, when they start flowing at the thirty million dollar level. Do not forget that in 1982, we can assess up to a maximum of twenty million dollars of taxes against the pipeline. In 1981, we can assess ten million dollars against the pipeline and in 1980, we can assess five million dollars against the pipeline.

So, we have a two hundred million dollar line of credit available to us, to you, in that interim.

**Mr. Speaker:** The Honourable Member from Ogilvie, and I don't think I'm going to keep permitting these supplementary questions because it has the effect of coming into a debate.

The Honourable Member from Ogilvie.

**Ms Millard:** Yes, thank you very much, Mr. Speaker, just one last supplementary on that. Who will be clearly defining what are pipeline impacts and what are not.

**Mr. Speaker:** Mr. Commissioner.

**Mr. Commissioner:** Mr. Speaker, I would suspect, as with most programs and policies in the Yukon, it will be made by, on our part, by the Executive Committee and they will, I hope, be reflecting the views of this House.

**Mr. Speaker:** The Honourable Member from Whitehorse South Centre.

**Mr. Hibberd:** Mr. Speaker, I think my question was answered to an extent, but, the Commissioner refers to restraint in spending in such areas, for instance, as the Department of Welfare. Are we to infer that if the Federal Government does not give full funding for the budget for that particular department, then the excess will be paid from this two hundred million dollar fund?

**Mr. Speaker:** All right, this ends the Question Period. We will now proceed to Orders of the Day, Motions for the Production of Papers.

#### ORDERS OF THE DAY

##### MOTIONS FOR THE PRODUCTION OF PAPERS

**MADAM CLERK:** Motion for the Production of Papers, Number One, standing in the name of the Honourable Member Mr. Lengerke.

**Mr. Speaker:** Is the Honourable Member prepared to proceed with Motion Number One today.

**Mr. Lengerke:** Mr. Speaker, agreed.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that a copy of the Draft Agreement-in-principle between Canada and the United States, with respect to the Alaska Highway Pipeline Project, be tabled.

*Motion agreed to*

**Madam Clerk:** Motions for the Production of Papers, Item Number Two, standing in the name of the Honourable Member Mrs. Watson.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion for the Production of Papers Number Two today?

**Mrs. Watson:** Yes, Mr. Speaker, and I would call question.

**Mr. Speaker:** It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, that the Yukon Electric's Franchise proposals to the Territorial Government regarding the supplying of electrical energy to the communities of Beaver Creek, Destruction Bay-Burwash, and Haines Junction be tabled.

*Motion agreed to*

**Mr. Speaker:** We will now proceed to Motions.

#### MOTIONS

**Madam Clerk:** Item One, standing in the name of the Honourable Member, Mrs. Watson.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Motion Number One.

**Mrs. Watson:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale, that in the opinion of this House, copies of the Government of the Yukon's reply to Motion 15 which passed this House on November 30, 1976, regarding the costs and policies for the education of Indian children in Yukon, be forwarded by the Department of Education to all school committees constituted under the *School Ordinance* and to the Council of Yukon Indians, the Yukon Native Brotherhood and the Yukon Association of Non-Status Indians.

The Honourable Member from Kluane.

**Mrs. Watson:** Yes, Mr. Speaker. I, first of all, would like to commend and praise the Superintendent of Education and his staff within the Department, who compiled this very, very lengthy reply to Motion Number 15. It must have taken a great deal of research, over quite a period of time to pull all of this information together. Mr. Speaker, we did have to wait some time for this reply to this motion, but it was certainly worthwhile and it is a document now that should be read, and that is why I am putting this motion forward to all people in the Yukon who are interested in our educational system and the schools as we have them structured today.

This document traces the role of the education of the status Indian child in our Yukon schools from before August of 1958.

It is interesting to note that until, I believe it was 1964, the education of Indian children in Yukon schools was accomplished by a signed agreement between Canada and the Government of Yukon. After that, it became an unwritten understanding and the amounts of money were not specified in the agreement that became part of the deficit grant.

But if you read this document, you will see that as the policy that of the Federal Government of the day, regarding the education of status Indian children, whom they have the responsibility for, changed. Then the Yukon Government attempted, successfully, to accommodate that policy in an integrated school system and this happened for many years.

If you will note, on page 14, the statement made by the Honourable Chretien on the present Federal Government policy for the education of status Indian children. That was further clarified for the Yukon Territory and the Northwest Territories on page 15 by a statement that Mr. Chretien made.

However, in the last six years, I would say five, six years, in that area, the Yukon has attempted to accommodate the policy as defined by Mr. Chretien. But we have not been successful in receiving the extra funding required or approval for the extra funding required from the Federal Government to embark upon their policies and try to interpret them in our integrated school system. Prior to that, the Federal Government was co-operative, they determined the policy. The Territorial Government was a delivery agent and the Federal Government provided the funding.

Now, in the last five or six years, the Federal Government has provided the funding to the Indian organizations, and if you read your report in 1976-77 to the amount of \$1,843,405 to develop educational policies. These people have and the Federal Government is relying on them to use political pressure in the Yukon Territory to have some of those policies and programs integrated into the school system, but the Federal Government is not saying to our government, all right, here is the extra funding you require to carry out the policies that we have determined. It is just like a novel to read this paper to see now we, the Yukon Government has been squeezed, and is being squeezed, by the Federal Government, by them not accepting the responsibility they have under law.

It's also interesting to see, if you sit and reflect on it, how they had, whether it has been deliberate or not, made by funding the Indian organizations, the adversary in the situation. There are going to have to be some decisions made and that's what the paper says in the last paragraph. There's going to have to be some decent soul searching in the Yukon Territory, and not a year from now, a very, very few months from now.

Where are we going to go if this present policy of the Federal Government continues. Their policy has no action for us, the funding of an adversary, so they are abdicating their responsibility.

Mr. Speaker, my motion is there in an attempt to get this information out to all of the people of the Territory who use the Yukon's school system. Let them know the history, let them know the background, and see what has happened, because, Mr. Speaker, we, in this House, are going to have to make some decisions very, very soon and give some very strong direction to our Department of Education, because unless we do, they have to have some political information of what is to follow. They can't continue to be bandied around by organizations who are funded by the Federal Government to ask for things from us, but then the Federal Government doesn't come through and provide us with the funding, so, Mr. Speaker, I think this is an important motion, and I hope all members read the report.

It's interesting, it's a novel. Thank you, Mr. Speaker.

Mr. Speaker: Is there any debate?

The Honourable Minister of Education?

Hon. Mr. Lang: Mr. Speaker, in respect to this motion, I must say, I think the Honourable Member has said that the Department should be definitely praised in respect to the work that they put into this particular document. I must admit, it was an oversight on my part in respect to that particular sessional paper that was tabled, not getting it out to the school committees. I agree that the people of the Yukon that are interested in education should know the full background and I think that particular document does fulfill that particular task. I also would like to say, Mr. Speaker, the Department of Education, the Government, and for that matter, the Legislature, as I touched on earlier yesterday is being caught in the middle in respect to native organizations and the Federal Government in the area of education.

I'm totally amazed, Mr. Speaker, when I see the native kids

of the Yukon being used in a political football and the Department of Education trying to do everything they can do to amend the situation, the Department of Education and the Government.

Mr. Commissioner: Mr. Speaker, we seem to be getting a little bit off here. We have put through a budget for this year, in the Spring Session, and there will be another budget in the normal process for next year. We are getting no indications that there will be any alteration in the regular budgetary process for normal programs. But we are frightened that perhaps maybe the people here who will have excessive desires on the system that we cannot meet through that regular process. That is the priority setting issue that we are talking about.

With regard to your question about particular departments problems in funding and Federal Government cutting back, I don't think that is a fair observation. There is no indication that that indeed is happening.

I suspect what the problem is, that neither the Federal Government, nor the public, nor this Legislature, indeed, want any agency of this government or any other government, to unnecessarily expand their services and to build an empire based on use of pipeline related funds. This is the whole area that we are concerned about.

It will be up to the Executive Committee and up to this Legislature to determine whether a particular expenditure is pipeline related or whether indeed it is not, and it should be handled in some different way.

Mr. Speaker: I'll permit one more question, inasmuch as our Question Period allotted time is now expired.

The Honourable Member from Kluane?

Question re: Terms and Conditions regarding Pipeline

Mrs. Watson: Thank you, Mr. Speaker, my question is for the Minister of Economic Development.

We have been getting information, understandings, conversations, could the Minister indicate whether any of these terms and conditions that were outlined in the Throne Speech, that have been talked about in Question Period, have been solidified in writing, or is this all presumption until the pipeline bill. Is there anything in writing now that we can base some of our questions on and some of our forecasting and thinking for the future?

Mr. Speaker: To whom would this be addressed?

Mrs. Watson: This is the Minister of Economic Development.

Mr. Speaker: Is that person—

Mrs. Watson: Local Government, I believe.

Mr. Speaker: The Minister of Highways and Public Works.

Hon. Mr. McKinnon: If I get any more hats, I'll need four corners, instead of three, Mr. Speaker!

Mr. Speaker, if I could answer these on a political basis that I think we all understand rather than an administrative one, as I understand them as a politician representing the elected members on the Executive Committee.

As soon as the agreement was signed, Mr. Speaker, between Canada and United States, I met with Mr. Faulkner, Mr. Cotterill, and Mr. Kroeger. I told them as bluntly as I possibly could that they didn't have a hope in hell of getting the acceptability on behalf of the people of the Yukon. If any Federal Government agency could go spend the 200 million skins and expect us to pay them back, there was just no way we would accept it, you could take your pipeline.

Mr. Faulkner, Mr. Cotterill, and Mr. Kroeger said they

realized that and there would be no charges except those that the Yukon people made through their elected representatives that they would have to pay back against any of that socio-economic funding.

Mr. Commissioner went to Ottawa and brought back the understanding that I had stated by those people, which I don't think you can go any higher. As far as I know, to the Commissioner, he went back, came back and said that that understanding, that commitment that was made was an understanding that had been recognized and was still in force.

I said, good, let's put it in the Speech from the Throne so that if anything happens that they go back on their word, this is what I am telling you as an elected member on the Executive Committee that they told me. This is what they told the Commissioner, this is what they put in the speech, they haven't got around to a formal agreement in writing yet, so that's where we stand on that one at this time.

The other question of other capital projects not related to the pipeline, we have been successful in the past few years because of our ability to negotiate over and above the community assistance program, the funding for the sewage treatment plant. We're looking for funding over and above now for Dawson City's sewer and water. We want to build a new bridge at Tagish for obvious reasons that the Honourable Member from Hootalinqua knows all about.

We're in active negotiations for this funding right now. We're facing tough, hard negotiations because the Federal Government says we are in a recession all across this country, and perhaps those things which have been easy to get financing for in the past, might not be so easy now. You might have to set some priorities which you didn't have to set in the future because of the Canadian economic scene.

This is over, above, and beyond what is the impact funding on the socio-economic basis for the pipeline. Those are political answers to the questions which you asked, as I understand them, and I hope that we all can understand them on that basis.

Also, at the same time, I do believe that we are going to have to give some firm political direction to the Department of Education and the only way that we can do this is find out where the Federal Government stands. The Federal Government has created such a divisive situation here in the Yukon, through their present modes of financing various programs, that the situation, the way I look at it, is intolerable.

As I said yesterday, I intend to meet with the Minister, if he ever arrives here, the Minister this evening, at least it is slated for this evening. I hope to get some answers this evening and, as I said yesterday, I'll be bringing a statement back Wednesday morning to this House in respect where the Department of Education and the Government of Yukon stands in this particular issue.

I'll support the motion, Mr. Speaker.

**Mr. Speaker:** Is there any further debate? The Honourable Minister of Highways and Public Works.

**Hon. Mr. McKinnon:** Yes, Mr. Speaker, I have no problem at all in supporting the motion so that the information, which should be available to all concerned, gets the broadest dissemination.

I know, Mr. Speaker, just as a word of caution, that the Honourable Members will not allow the political rhetoric and the pressure to allow us the luxury of being polarized into camps so that common sense will not prevail, because that is just exactly what certain groups of interest would like to see happen to members of this Legislature.

I know, Mr. Speaker, and I know this as well as I have ever known anything in the Yukon Territory, that the majority of the people of the Yukon Territory want their children to be

educated in a one government educational system that is able of being flexible enough to accommodate the needs of a Yukon residents. That, Mr. Speaker, is what the majority Yukon parents want, whether they be white or whether they be native. So let's not lose sight of that goal that the majority of the vast majority of our constituents want to see as the result of all this maneuvering. I think that sometimes we lose sight of that goal because of the pressures that are placed on government, but that is the one that we cannot lose sight of.

**Mr. Speaker:**

Is there any further debate?

The Honourable Member from Kluane.

**Mrs. Watson:** Mr. Speaker, after comments of the Honourable Member, the Minister of Local Government, Ways, Economic Affairs, I hope my motion and the comments I made today were not taken, or not interpreted that this in any way should be a divisive motion or a divisive type of appeal to people and that is specifically why it is here. There has to be an understanding of the background of the situation as it exists.

I think too often both the Indian organizations and the other people in the Territory don't understand the background and where the responsibility lies and how we are being manipulated, Indian and non-Indian. I am hoping, that if the information is made available to them, they will get a glimpse of understanding of the position that the Government of the Territory finds themselves in at the present time, specifically the Department of Education.

*Motion agreed to*

**Mr. Speaker:** We will now proceed to Public Bills.

#### PUBLIC BILLS

**Madam Clerk:** Second reading of *An Ordinance Respecting Assessment in the City of Whitehorse* standing in the name of the Honourable Mr. McKinnon.

**Mr. Speaker:** The Honourable Member from Whitehorse North Centre.

#### Bill Number 2: Second Reading:

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member West, that Bill Number 2 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number Two be now read a second time.

The Honourable Member from Whitehorse North Centre.

**Hon. Mr. McKinnon:** Mr. Speaker, before question is called, I would like to take a few moments to explain the necessity and principle of this Bill.

As all Honourable Members have been well informed of over the past few Sessions that we have been running into problems in meeting our deadlines on, particularly, the General Assessment of the City of Whitehorse. We had two choices in this regard this year and that was to up-date the old assessment to meet the deadlines of the Assessment Role, or to be able to finish the General Assessment and allow the taxation year, next year, to be on the new assessment roles.

We asked the City of Whitehorse, naturally, what their preference would be, and they said, without doubt, we want to be able to tax next year on the new assessment. We then had the ability of doing several things and that was of providing amendments to the *Municipal of the Taxation Ordinance* and allowing a general clause, which is, surprisingly enough, available in most jurisdictions, that just says that if you can't meet the deadline, you can do all of these things. I realize that I don't think that I would have had much success with that type of legislation with the mood of the Honourable Members in

both the *Taxation* and the *Municipal Ordinance*, just allowing the Commissioner, if he can't meet a deadline, to set any other dates that he would like to. So I thought that the most opportune way of bringing it to the attention of Members would be in a separate Ordinance for a one-time problem only, hopefully regarding assessment in the City of Whitehorse.

**Mr. Speaker:** The Honourable Member from Kluane?

**Mrs. Watson:** Yes, Mr. Speaker. Mr. Speaker, it's not often I'm at a loss for words, but this time I was when I saw this for legislation.

On the First Session in 1977, we passed an Ordinance to amend the *Taxation Ordinance* which was very broad and I objected to it at that time. The authority may adopt the whole or any part of the last revised assessment roll upon order of the Commissioner.

At that time it was obvious then, this is the reason they gave, they were not able to complete their assessments and their assessment roll. They probably are having trouble.

But, Mr. Speaker, I cannot condone, accept the type of legislation that is being placed before us now. The authority that we are being asked to give to the administration regarding taxation—now to me taxation is the most sensitive type of legislation that any democratically elected body can pass or make a decision on. And taxation has to be fair as it is applied to people, that are liable to pay that taxation.

Then you get into property taxation, it's based on assessments and these assessments are on assessment rolls, and the assessment is programmed and that taxation is programmed properly so that there are deadlines and commitments to meet by the elected body who implement the taxation. That is very essential and very necessary. If the programming is such that you cannot meet it, then for goodness sakes, revise the whole thing. Look at it realistically, last year there were problems, apparently there still are and we are asked to let the Commissioner make Regulations regarding time and the levying of taxes in the City of Whitehorse to enable the censure, the taxing authority, the personnel of taxation, the court of revision, and so on. The Commissioner may, by regulation substitute a new date or spend the time for doing a back thing that he considers necessary under those circumstances.

Mr. Speaker, I just cannot accept it, at best. I was speechless when we had retroactive taxation two years ago, burning. Last year this again was retroactive in '77 on April 28th, that was retroactive, but on the second page, the second page where it says: "this Ordinance and any regulation made pursuant to this Ordinance, shall be deemed to have"—shall be deemed "to have come into force on the fifteenth day of October, 1977." That is just the limit, retroactive taxation.

Mr. Speaker, the principle of this Bill is so important, how could anybody ask us to give the administration this kind of authority, and you say that it's for 1978 only. We were told last time it's for this year only and here we are again. Surely there must be something wrong with the program if you are going to be coming in with this, the taxing program, for goodness sakes, adjust the whole thing.

When we were asked to give authority to the administration to back bandaid it, when and how they see fit, it is open for such abuse and no elected person should ever agree to that type of authority, even if it's just for one year.

Mr. Speaker, the principle of the Bill is absolutely rotten, and I hope all members read this Bill very, very carefully.

**Mr. Speaker:** Is there any further debate?

The Honourable Member from Whitehorse Riverdale.

**Mr. Lengerke:** Mr. Speaker, I can certainly sympathize with some of the comments made by the Member from Kluane, but, knowing full well the problems that the Govern-

ment and the City authorities have been having with respect to the reassessment and assessing the properties within the City of Whitehorse, I kind of suspected that we would be facing this situation again.

Certainly, I guess the best way to handle this, would be to take an overall look and amend the total legislation and say, well, this is the answer, but until the reassessment is done, Mr. Speaker, I don't think we're going to be in a position to really set some new guidelines. I think what has to happen and the reason why I will be in favour of this particular Ordinance, is that it is a one-time shot and I realize this is kind of a piecemeal way of going at it. I realize that so was the last one and the one before that, but I'd rather handle it on that basis and know where we are going on a year-to-year basis that way, than doing a bunch of amending and then really still not knowing, after you have gone through the whole thing, if you are going to be able to handle it.

Certainly, Mr. Speaker, I would hope that after the reassessment is done, that we can then sit down and finalize this legislation.

I will be voting in favour.

**Mr. Speaker:** Is there any further debate?

The Honourable Minister of Highways and Public Works.

**Hon. Mr. McKinnon:** Well, Mr. Speaker, always in the Legislative Assembly, when we get within a year of elections, political speeches get better and better and I must congratulate the Honourable Member from Kluane for a fine political speech that she has just made.

**Mr. Speaker:** Order, please.

**Hon. Mr. McKinnon:** Mr. Speaker, getting back to the reality of the situation, I would like again to emphasize that most jurisdictions have this type of legislation permanently enshrined in their *Taxation* and *Municipal Ordinance*. I would not insult the intelligence of all Honourable Members by trying to include it as a piece in the *Taxation* or *Municipal Ordinance* where the Commissioner, where he does not meet deadlines, can do anything by regulation to be able to change those dates and dealines.

Mr. Speaker, once again, I emphasize that this was done in full conjunction and co-operation with the duly elected members of the Whitehorse City Council who comprise well over half of the population of this Yukon Territory. It was a request made to Government because they didn't want the taxation year, 1978 on the old Assessment Role, they wanted it on the new one. We were not able to meet those deadlines, we have a condensed schedule which has been approved by them, whereas the taxation date will be the same as of June 30th. We have many dates that we would have had to change, in both the *Taxation* and *Municipal Ordinance*. Rather than do that and try and sneak a Commissioner's prerogative on which he could do anything on taxation and assessment in the future, I was honest enough to bring in an ordinance pointing out the one-time problem that we had that had the full consultation and approval and concurrence of the duly elected members of the City of Whitehorse, and, if anybody can find anything nefarious or underhanded about that, except through making some political debating points, Mr. Speaker, then I don't know how they can.

As I say, Mr. Speaker, those are the facts of the matter. That's the reality of the situation and I hope, I know that all Honourable Members will accept that as being the facts of the matter.

*Motion agreed to*

**Mr. Speaker:** Shall the Bill be referred to Committee of the Whole?

**Some Members:** Agreed.

**Mr. Speaker:** So ordered.

**Madam Clerk:** Bill Three, *An Ordinance to Amend the Municipal Ordinance*, standing in the name of the Honourable Member, Mr. McKinnon.

**Mr. Speaker:** The Honourable Member from Whitehorse North Centre?

**Bill Number 3: Second Reading:**

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number Three be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that Bill Number Three be now read a second time.

The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I rise with a certain amount of trepidation to discuss the principle of Bill Number Three, however, most of the amendments in Bill Number Three are those that were addressed and discussed by Members of this Assembly in a green paper, which I presented to them at the Spring Session.

We have had further discussions with the Association of Yukon Municipalities and with individual municipalities since that time and have expanded on some of the terms that were in that green paper, particularly, because of announcements of economic things that were going to happen in the Yukon in the foreseeable future. One very contentious point, which has always been a difficult one, is the difficulty that the municipalities have found in dealing with squatter situations. It was an involved process and a difficult one and we hope we have addressed this so it will be a little more expeditious to be able to have a hand in solving some of the problems that are going to be facing the municipalities within the next few years by an injunction section against unlawful use of land within the municipal boundaries.

**Mr. Speaker,** I of course, would welcome the Association of Yukon Municipalities or any of the individual municipalities in representation on the amendments to the *Municipal Ordinance* in Committee before the Legislative Assembly.

**Mr. Speaker:** The Honourable Member from Kluane?

**Mrs. Watson:** Yes, Mr. Speaker, I have no problem in accepting the principle of this Bill. Because, one reason, the Bill says what it wants to do. My statement is not political, it is very sincere. I do have problems in accepting the principle of Bills when the Bill doesn't say what it wants to do.

I also would like to state that the Explanatory Note, the explanation by the Minister stated that this legislation is the result of meetings held with the various municipalities and with the Association of Yukon Municipalities, and I think the participatory type of consultation with the municipal powers is very healthy.

I would also like to state that as members in the Legislature, that in itself is not enough for us to give the sanction to legislation. So often Bills are brought in here, we're going to get one in a minute, the L.I.D. Ordinance, so I might as well speak on it now as get up again. They will say we met with the L.I.D.'s, because they said it was okay, you guys have to accept it as okay. To me, that is the implication time after time, and I appreciate the fact that the administration does talk to these various organizations and democratically elected bodies who work under our legislation, but that is not our role.

We here, in municipal legislation and in local improvement legislation, are delegating power that has been given to us under the *Yukon Act*.

Now, we have to be very careful how much of that power is being delegated and to make sure that there are certain checks and balances in the system. We obviously are not very happy with the power that is delegated to us from the Federal Government. We feel that we should have more, and I often think of the local government structures, that they may feel that way about this Assembly, but we also have to protect all the people of the Territory and have to ensure that there are enough checks and balances in our legislation so that the people within the local government structure will have the protection within the structure.

So, Mr. Speaker, I have no problem accepting the principle of this amendment, because it says, as I said before, it says what it is going to do. The other one didn't; it implied it.

**Mr. Speaker:** Is there any further debate?

*Motion agreed to*

**Mr. Speaker:** Shall this Bill be referred to Committee of the Whole?

**Some Members:** Agreed.

**Mr. Speaker:** So ordered.

**Madam Clerk:** Bill 4, *An Ordinance to Amend the Local Improvement District Ordinance*, standing in the name of the Honourable Mr. McKinnon.

**Mr. Speaker:** The Honourable Member from Whitehorse North Centre.

**Bill Number 4: Second Reading**

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 4 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 4 be now read a second time.

The Honourable Member from Whitehorse North Centre.

**Hon. Mr. McKinnon:** Mr. Speaker, this is also a result of a green paper which was put forward by the Department of Local Government at the Spring Session, stating that we would be following up the advice of the members and the Local Improvement Districts with legislation.

The majority of the controversial portions, Mr. Speaker, of that green paper were, of course, already dealt with in the amendments to the *Elections Ordinance* concerning Local Improvement Districts and I am happy to say that now two elections have been run under the new sections, namely the Haines Junction Local Improvement District and the Teslin Local Improvement District. It is my understanding, Mr. Speaker, that there were some fears raised, by Honourable Members, of the complexity of the new elections sections that both of those elections were run in a very good fashion and manner and there were no problems resulting, as there usually are, from Local Improvement District elections, as a result of those new elections sections of the ordinances.

The Bill contains, primarily, the rest of those points in the green paper, which were raised at the Spring Session.

**Mr. Speaker:** Is there any debate?

The Honourable Member from Kluane.

**Mrs. Watson:** Yes, Mr. Speaker. This amendment to the *Local Improvement District Ordinance*, I'm very happy to see it before the House, because it has taken a lot of urging on my part after the Minister of Local Government, to get the Local Improvement District brought into law to legalize the things that our government was asking Local Improvement Districts to do and for quite some time, for years, Local Improvement

districts were assuming powers and authority and doing things that they had no authority under the law to do and this now shows them pretty well up to date and is complete. I believe that the Department of Local Government embarks upon the *Local Improvement District Ordinance*.

I will be supporting this Bill on second reading, Mr. Speaker.

**Hon. Mr. McKinnon:** Mr. Speaker, it just goes to show what one can accomplish when one is politically sincere.

*Motion agreed to*

**Mr. Speaker:** Shall this Bill be referred to Committee of the Whole?

**Some Members:** Agreed.

**Mr. Speaker:** So ordered.

**Madam Clerk:** Bill 5, *An Ordinance to Amend the Society of Industrial Accounts Ordinance*, standing in the name of the Honourable Mr. Lang.

**Mr. Speaker:** The Honourable Member from Whitehorse Porter Creek.

**Hon. Mr. Lang:** I'd like to proceed with this at the next sitting day, Mr. Speaker.

**Madam Clerk:** Bill 6, *Labour Standards Ordinance*, standing in the name of the Honourable Mr. Lang.

**Mr. Speaker:** The Honourable Member from Whitehorse Porter Creek.

**Hon. Mr. Lang:** I would like to proceed with this on the next sitting day, Mr. Speaker.

**Madam Clerk:** Bill 7, *Metric Information Agreement Ordinance*, standing in the name of the Honourable Mr. Lang.

**Mr. Speaker:** The Honourable Member from Whitehorse Porter Creek.

**Hon. Mr. Lang:** I would like to proceed with this also, Mr. Speaker, at the next sitting day.

**Madam Clerk:** Bill 8, *An Ordinance to Amend the Partnership Ordinance*, standing in the name of the Honourable Mrs. Whyard.

**Mr. Speaker:** The Honourable Member from Whitehorse West.

**Hon. Mrs. Whyard:** Mr. Speaker, we will proceed with this at the next sitting.

**Madam Clerk:** Bill 9, *An Ordinance to Amend the Workmen's Compensation Ordinance*, standing in the name of the Honourable Mrs. Whyard.

**Mr. Speaker:** The Honourable Member from Whitehorse West.

**Hon. Mrs. Whyard:** Mr. Speaker, at the next sitting.

**Mr. Speaker:** The Honourable Member from Pelly River.

**Mr. McCall:** Yes, Mr. Speaker, I would move Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering bills, sessional papers and motions.

*Motion agreed to*

*Mr. Speaker leaves Chair*

#### COMMITTEE OF THE WHOLE

**Mr. Chairman:** I call this Committee to order.

As Committee members are aware, we are anticipating a meeting with the Minister of Northern Affairs and that that has been delayed, but I believe that the Minister will be available in a few minutes now, so I suggest that we recess until after that meeting. Because that meeting has been delayed, I think our session this afternoon will probably be delayed as

well, so I would suggest that it will be sometime in the range of 2 to 2:30 that we will be reconvening.

I now declare a recess.

#### Recess

**Mr. Chairman:** I call this Committee to Order. In deliberations yesterday, we reached Clause 12 of the *Motor Vehicles Ordinance*. Since that time we have been supplied with draft regulations regarding that Ordinance. Is it Committee's desire that we continue with the Ordinance, or would they like to have some time to look over the draft regulations before we do?

Ms Millard?

**Ms Millard:** Mr. Chairman, I certainly would like to look through this vast number of regulations myself—that's my opinion. I would like more time.

**Mr. Chairman:** If that's the case, you realize we will have to go under other Ordinances at this time? Is that Committee's desire that we defer further—

**Mr. McIntyre:** No, let's go on in the Ordinance.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I believe that you have already given us the commitment that we can go back to other sections in this Ordinance, so that if we go through it, at least a first time, there might be a better understanding of the regulations too, and then we would still have the opportunity to come back if we require it. I suggest we go on.

**Mr. Chairman:** Well, if that is the wish of Committee, we will do so.

We are now at Clause 12 on page 10.

I would ask the witnesses that were with us yesterday if they could rejoin us for deliberations, Mr. Doug Bell and Mr. Doug Spray.

At the conclusion of yesterday's meeting, we had requested revision of Clause 12, which had been agreed to with the Territorial Secretary. Is there any further consideration of Clause 12?

Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, we're on Clause 12. I could go on to (3), may I?

**Mr. Chairman:** Pardon?

**Mrs. Watson:** May I ask a question regarding 12.(3)?

**Mr. Chairman:** Please do.

**Mrs. Watson:** And that's regarding the Medical Review Board and this is rather a deviation from what we usually do when we establish boards under legislation. The actual review board, the Medical Review Board, and most of the terms of reference of the Review Board are within the regulations and I'm wondering why they didn't specify more information on the Medical Review Board, because just from reading the legislation, we are not getting much information at all.

I wonder whether Mr. Bell, possibly, could advise us what type of a board the government is looking at as a Medical Review Board, whether it is a permanent board or whether it's just a board that is called when required, or whether it is one person or how many people on the Board, and whether a person can appeal to the Review Board, or whether it is just a Review Board to be used by the Government, or can it be used by applicants, too. I wonder if the government has some policy regarding this Review Board.

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, the Medical Review Board could consist of one or more persons, depending on our requirements, they would be used as required, and the only

appeals or referrals to them would be as stated in the Ordinance as appeals or as the Commissioner wishes to use the Board as a Medical Advisor. At the present time, there is only provision through regulations for establishing a Medical Referee to give a second opinion on a medical examination of an applicant for a licence. What we are doing is establishing it in the legislation.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, while we are on this subsection, I'm concerned with subsection (3)(c) where the Commissioner may establish a Medical Review Board to act in such other capacity as may be required. What other capacity, which will be separate and aside from the mental and physical aspect of a particular individual that's involved in the operating of a vehicle. What other precautions are you considering in that subsection (3).

**Mr. Spray:** It may be possible, Mr. Chairman, that the Commissioner would wish the Medical Review Board to actually conduct examinations themselves. It would not be the normal thing for them to do. We would either have other medical practitioners do the examinations, but maybe the case would require them in certain instances to have the Review Board actually conduct an examination of an applicant. That would be one example of such other capacity as may be required.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** That's all well and good, Mr. Chairman, but I think that already expresses itself in subsection (a) and subsection (b) and I see no point in having subsection (c) there at all.

What I mean by that, Mr. Chairman, is that we seem to again be looking at never-ending, sweeping powers, over and above what is expressly provided for in the legislation and as I say again, subsections (a) and (b) of section (3) is quite adequately expressed. I see no point in having sub (c) in there, because we're looking at a very substantial lateral power.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I would agree with the Honourable Member. I don't see the necessity for Section (c).

I was rising to speak regarding the formation of the Medical Review Board. Since we now designate two doctors as Medical Referees in questions of doubt, and, as I believe I said earlier in Committee, the advice of this Assembly regarding the size of this Board or the suggestions as to the numbers it should include would be welcomed.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, in the legislation, when you go beyond this section, there are areas where the medicals—a result of a medical examination, a doctor can recommend to the Registrar that an applicant for an operator's licence not, in fact, receive a licence. I believe that's correct.

Now, there is no provision in this legislation at all where this applicant, whose medical examination, on the say-so of one doctor, has been ruled medically incompetent to hold a licence. This medical review board, could it not be used as an appeal board for this person who was refused, on his own doctor's examination, could he not appeal to the medical review board for a decision. We are only establishing the Medical Review Board as an advisory board to the Commissioner. Why can't we use them as a Medical Review Board, per se, for the people who may want to appeal a decision of one doctor? And there's no provision, I don't believe, in this legislation for anyone but the Commissioner to use the Medical Review Board.

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, that would be a very good use

to make of the Medical Review Board, to review a case where an applicant has been refused or has had his licence suspended for medical reasons. I think we'd be very, you know, pleased, as an appeal board, I think would be a very good item to write into the legislation.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, could I take it then that the administration is prepared to look at using the Medical Review Board in this regard, or would it be necessary for me to write a suggested amendment, which would be a little difficult to do, I wouldn't know how you would want it stated or what area you would want to put it in.

**Mr. Chairman:** Mr. Spray.

**Mr. Spray:** Mr. Chairman, we would be pleased to bring forward an amendment on this.

**Mr. Chairman:** Apropos to that, Mr. Spray, it occurs to me that, is there any method of appeal from this Medical Review Board itself? Is there any mechanism whereby their decision can be appealed?

**Mr. Spray:** I would have to review that, Mr. Chairman.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, while we are with the understanding that 12.(1) is being completely looked at by the administration, maybe, before the motion is put forward on the striking out of subsection (c), I think we should give the opportunity to the administration to perhaps look at the whole of section 12 and its subsections and all the intents that are in there, and perhaps come back with some further explanations, or maybe perhaps some further amendments, before we start striking out something we are not quite sure of. I make reference to subsection (c) of (3).

I would like to give that opportunity to the administration to take it all back to their section 12 and go over it completely before we start playing around with this motions.

**Mr. Chairman:** The answer is in the affirmative, Mr. McCall.

Mr. McIntyre?

**Mr. McIntyre:** Mr. Chairman, I wonder when they are revising this section, if they could ensure that the Medical Review Board is to be composed of medical practitioners. There is no indication of who is to be on the Medical Review Board, it could be anybody.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I simply rise in support of the suggestion made by the Honourable Member from Pelly River. I am very, very concerned over subsection (3) of 12, as is the Honourable Member.

As you know, we have had some experience in this House in discussions of similar boards. These boards have fantastic powers. They seem to wind up having powers, powers far beyond the powers of the courts. These boards, such as this, the Medical Review Board, could, in fact, make a decision which could take away a person's livelihood by not permitting them to operate a motor vehicle.

I have great problems with these boards, but I have greater problems with the board when I see subsections such as subsection (c) which says: "to act in any such other capacity as may be required." I don't feel, considering the powers that the Board has, that we would be operating in the best interests of good legislation by allowing (c) to remain.

I'll say no more on it at this point, Mr. Chairman, other than to say that I hope the administration will take a real close look at this one before they bring it back.

**Mr. Chairman:** I think they have that undertaking now, Mr. Taylor, thank you.

We will carry on to Clause 13.

Mr. Taylor?

On Clause 13:

**Hon. Mr. Taylor:** Under 13.(1): "An operator's licence shall not be issued to any person under the age of 16 years." Would this mean that a licence to operate a snowmobile would be considered also?

**Mr. Chairman:** Mr. Spray?

**Mr. Spray:** Well, Mr. Chairman, where it is required to have an operator's licence for a snowmobile, then it would include a snowmobile as well.

**Mr. Chairman:** Further discussion of Clause 13?

Mr. McCall.

**Mr. McCall:** Does that 13.(1) not come in conflict with the learner's licence at the age 15 to 16?

**Mr. Spray:** Mr. Chairman, the classification of licences is done by a regulation and, at which time, a learner's licence is a specific category of licence with certain restrictions on, mainly, not being allowed to operate the vehicle without a person holding a valid operator's licence in the seat beside them.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Yes, Mr. Chairman, I have difficulty, unless I have misinterpreted what the Registrar has said. If you write regulations, or if the administration write regulations to this Ordinance, it must be within the spirit and intent of the Ordinance, and nothing can be clearer than subsection (1) of 13, "An operator's licence shall not issued to any person under the age of 16 years." And if it is suggested to me, that by regulation, you have simply just passed that one by, I can't buy that. Regulations are to reflect the spirit and intent of the Ordinance, and when you say that these licences shall not be issued, that's the intent of the Ordinance. So I think, perhaps, one should make provision for learner's licences within the Ordinance or change subsection (1) of 13.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** Yes, Mr. Chairman, I think if you read 11.(1), it says "notwithstanding subsection 13.(1), a person of the age of 15 years or over, who is not the holder of a subsisting operator's licence, may apply to the Registrar for an operator's licence". Then we go on to 13.(1), and it says, "An operator's licence shall not be issued to any person under the age of 16 years of age".

I mean, what is going on here? There is a little ambiguity there and I think that should be properly drafted, 13.(1), to take into consideration 11.(1), dealing with the learner's licence, otherwise this is substantial ambiguity.

**Mr. Spray:** Mr. Chairman, 11.(1), by the wording "notwithstanding subsection 13.(1)", was intended to override 13.(1) in this case. We will clarify this with legal counsel if you wish.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** Well, even with, Mr. Chairman, we're still having some difficulty here because, in the margin along the side, it says "Minimum Age", and we say under the age of 16 and yet, in 11.(1), we say 15. There is a lot of ambiguity there in that language and I think that should be taken into consideration.

**Mr. Chairman:** I take it, Mr. Spray, that you are going to have this reviewed as well.

**Mr. Spray:** Yes, Mr. Chairman.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, Section 11.(1) to me,

is a normal drafting section that says: "Notwithstanding 13(1)", that this is the way you get an operator's permit, and I refuse, and I can't give a legal opinion on this, because that's not my discipline, nor the discipline of any of the witnesses.

It would seem to me that somewhere along the line, we are going to have to, on matters in Ordinances which every section demands a legal explanation on behalf of members, that we are going to have to have legal advice in this Assembly so that we can do it at one time, rather than going with the question and coming back to the Assembly.

I don't know the reason that legal advice to the members of the Assembly has not been called to this point in time, but it seems that we are going another step in being inefficient than what we have normally provided in Committee, where the normal legal reasons for drafting are given to Committee as we go along in the Ordinance, rather than asking for the legal advice on each section, then having to come back with it.

Mr. Spray is our Territorial Secretary and is our expert as far as the composition of the Ordinance goes, but he is not qualified, and there is no one present in this House, at this time, to give legal advice to members of Committee. I am as much at a loss for the answers to the questions that the Honourable Members are asking as they are. It seems to me that we should ask for the Legal Advisor to the government to be present at this time.

**Mr. Chairman:** I agree with you, Mr. McKinnon. Actually I had asked Committee if they wanted the Legal Advisor to be present yesterday, and the result was a negative. Perhaps Committee would like to reconsider it in view of the progress so far.

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, this is very true. Legal advice should be available, and I certainly don't care whether it's in here or not. It would be helpful. However, legal advice should have been sought when the Bill was drafted. I wonder at the drafting of some of the sections, and if it was sought, we should know that this will hold up legally, but then, when we get our Clerk in, we ask him what his interpretation, legally is, of the section. I can't see having our Clerk in, our Law Clerk in, and having to ask him to interpret, legally, every section for us, when it should have been done before it ever got into this House.

It's quite obvious it hasn't been done or those two sections would not be in there like that. I don't mind having the Law Clerk in or the Legal Advisor, fine, but surely we are not going to have to go to him for every section.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Mr. Chairman, I sympathize with the Minister's remarks, but if I'm going to have difficulty trying to understand this legislation, how on earth am I going to explain it to my constituents?

If we fetch a lawyer in here, or a legal expert, it only makes matters worse. If we cannot understand the legislation we're going to pass, Mr. Chairman, there is no point in us sitting here and going through it, because it's not going to make any sense to us or to the people we have to explain it to.

If we can't understand this now, and it's not drafted properly, with proper understanding as you read through it, how are you going to explain it to your constituents? This is the difficulty I think we all have somewhere, we don't understand every piece of legislation we have. While I'm dealing with motor vehicles, which affects 99 per cent of the people in the Yukon, how are you are you going to explain 13.(1) and 11.(1) to people. They don't understand it. I don't understand it and I want proper clarification and explanation.

Perhaps we can get a clearer view of what it is all about but let's not get too sympathetic with each other by calling the Legal Advisor to find which one of us is incompetent, medically, physically, or otherwise, in dealing with this legislation.

Let's try and get through it. Ship it out if it doesn't work.

**Mr. Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, that's exactly the argument I'm always using in Subcommittee on legislation with members of the legal profession. I am saying, I can't understand this piece of legislation. Why does it have to be in this legal gobbledegook that none of us can understand, including the people of the Yukon Territory, and the answer is always, and it's been given to you in this House, that if it is not constructed in this form and in this fashion it will not stand up in court and will be thrown out, much to the embarrassment of the Members of the Assembly and to the Government of Yukon.

Now, always, we're looking at methods in which legislation can be put in understandable form. We've gone through piece of legislation after piece of legislation, such as the Insurance legislation, which I dare say, and if any of you can stand up here and publicly say that you understand every clause of that legislation and anytime one of your constituents comes to you with one of that section, say this is exactly what is interpreted and what it means. I dare say you are a heck of a lot smarter than I profess to be, because I readily and candidly admit that, not being of the legal profession, I just can't do it.

Now, what do we do? Do we accept the advice of our legal people or don't we? I don't know, maybe that's the best advice that we get, that we outlaw the legal discipline in the Yukon Territory. There's a lot of people say that before they came they were a lot better of than we are now. That might be one of the methods, but the fact remains that there is no one on the government side and no one in this House at the present time, that can give any commitment, other than the one that I ask, and ask on all pieces of legislation, is this the way it has to be constructed, is this the way it has to be done to be viable, and the answer that I get is yes. Now you are asking me to explain that interpretation that I get in Subcommittee on Legislation. I can't do that. I don't know how anybody here can and the questions that are being asked are questions that should be posed to a legal person, and we just admit that there is nobody presently in the House as witness, or present, who can answer the legal questions, because none of us are lawyers.

**Mr. Chairman:** Order, please.

I am also of the opinion that it would expedite matters if we did have a legal opinion present. We could deal with the legislator more effectively.

**Mr. McIntyre:**

**Mr. McIntyre:** Yes, Mr. Chairman, it's a very simple matter to solve this little problem. Every time you have a "notwithstanding" in a section like this, the related section, which in this case is 13, should say "except as provided for in the notwithstanding section", then everybody knows what you are talking about. And I can say that I am getting tired of "notwithstanding".

**Mr. Chairman:** I would ask Committee again at this time, would they like the Legal Advisor to be present during the consideration of this Ordinance.

**Mr. McCall:** Mr. Chairman, on a point of order, what is that going to prove?

**Mr. Chairman:** That is not a point of order.

**Mrs. Whyard:**

**Hon. Mrs. Whyard:** Mr. Chairman, I have to take a great deal of responsibility for this impasse we've reached here,

because I am Chairman of the Legislative Programming Committee, and I think all Honourable Members should understand that this Bill was drafted over a period of some weeks and months during the summer, when your elected Executive Committee members were involved in going to Ottawa, and on a lot of other priority matters. It is very difficult to get a quorum in a Legislative Programming meeting during the summer, let me assure you, Mr. Chairman, and we did our best to get all of this heavy load of legislation through that Committee and we were supported very faithfully by the Officers of this House in so doing.

However, I think it is only fair to point out to you that, in mid-stream, we received our legislative counsel, arriving from New Brunswick, who was new to this Ordinance, did not take part in drafting it. The person in the Registrar's office who bore the burden of most of this preparation of the Bill, is, unfortunately, now hospitalized in Vancouver, which no one could have foreseen, and the Executive Committee member responsible for this particular portfolio is also another new arrival on the government scene. So, I apologise to the House for our lack of professional competence in this area.

I would certainly recommend that you ask Mr. Cosman to attend with us at this time and give us the benefit of his information.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, just a question, has the Legal Advisor, or our Legal Advisor, Mr. Cosman, had an opportunity to review this legislation at all. Has he had a chance to read it?

**Mr. Chairman:** I think that's not the problem that we are dealing with. I think what Mrs. Whyard outlined to us was accurate. He was not involved in the drafting of the legislation, but at this particular time, we are concerned over our competence to judge these things from a legal point of view, and therefore a legal opinion I think would be of some value.

What do you think of the legislation 'notwithstanding'?

**Mrs. Watson:**

**Mrs. Watson:** Mr. Chairman, I wouldn't do that to Mr. Cosman. If he hasn't had an opportunity to read this legislation through at least once, how can he answer question number 11, which depends on 13, where you have had to get the concept of certain sections. It would be most unfair to ask him to give a legal opinion. My question right now, to get away from this, for the witness, is, can a person have an operator's licence—

**Mr. Chairman:** Mrs. Watson, please. I think we still have to resolve this problem, so let's not get into specifics until we do.

I still require the Committee's direction. Do they wish the Legal Advisor present?

**Mr. Taylor:**

**Hon. Mr. Taylor:** Mr. Chairman, I think perhaps we could try to proceed. The question I ask is simply on a matter of rather poor drafting. The Honourable Member from Mayo raised the point that if, for instance, 13(1) had been drafted a little differently, I think we all would have understood it, but I would suggest that before we ask Mr. Cosman to come into the Chambers and attempt to interpret legislation which he has never seen, that maybe we should try to proceed and just see if we do get bogged down any further.

**Mr. Chairman:** Mrs. Whyard, was there a lawyer involved when this legislation was drafted?

**Hon. Mrs. Whyard:** Yes, Mr. Chairman, there always is, and if you get more than one in, you have more than one opinion on any particular point at, any time.

**Mr. Chairman:** Who was the lawyer who was involved in the drafting of the legislation?

**Hon. Mrs. Whyard:** I don't know, Mr. Chairman. Perhaps my Deputy Chairman can assist me on this, because when this Bill was originally drafted I was in Japan.

**Mr. Chairman:** Mr. Lang?

**Hon. Mr. Lang:** Mr. Chairman, it was my understanding that the one who was involved, to some degree at any rate, was Mr. O'Donoghue, in respect to this particular Bill.

But, Mr. Chairman, if it is the wish of Committee, and everybody is so knowledgeable, I suggest we proceed, possibly at the Session on February 2nd or February 3rd, when we start budget session.

**Mr. Chairman:** That's not necessary, Mr. Lang.

Mr. McCall?

**Mr. McCall:** Mr. Chairman, perhaps if I started all this off, perhaps I could finish it. I don't know. What I am concerned about is that the Minister of Education got very frustrated yesterday because we zeroed in on a certain section. Here we are again zeroing in on another section. We are going to do it all the way through this particular legislation. We're going to get bogged down, we're going to waste a lot of talk, and what I would suggest is that we set this Bill to one side and let the administration go over it again. Nobody seems to know who drafted this legislation. Nobody seems to know which Legal Advisor was involved.

I really don't think it's that clear. I would agree with the Honourable Member from Pelly, that rather than waste time, and appear as though we are trying to find fault, give the administration an opportunity to clean it up, and then get back into our hands in enough time so we can go over it, by ourselves, and then let's discuss it in the House, in Committee of the Whole.

I would certainly concur with that.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Thank you, Mr. Chairman. I think we are all missing something really important here. I said yesterday that it's our duty to come up with good legislation. I have to concur with the Member from Pelly on his suggestion, but I also think we should seek our own legal advice. We should not be concerned with what the administration comes back with. We have our own legal advisor now, let's use the person. Let's give him an opportunity to read through the legislation we have in front of us so he can give us proper legal appraisal. This is what we are not talking about right now. This is what needs to be done, our own legal advisor can come back with us and give us proper advice.

If we let it go the way you suggest right now, all we will be getting right now is the opinion of the administration again, but we are still lacking the proper legal advice and the proper advice from our own legal advisor.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, is not the the draftsman for the Territorial Government now, the Law Clerk to the Legislature?

**Mr. Chairman:** Yes.

**Mrs. Watson:** So, Mr. Chairman, if this legislation is taken back to be cleaned up, it would be done by our Law Clerk in concert with the department?

**Mr. Chairman:** Mr. Spray, is that so?

**Mr. Spray:** Yes, Mr. Chairman.

**Hon. Mr. McKinnon:** Mr. Chairman, all that I can offer to this discussion is that this piece of legislation was constructed

in concert with three people, Mr. Spray, the Territorial Secretary, Mr. Brackenbury, the Deputy Territorial Secretary, and Mr. Podge O'Donoghue who was the only government Legal Advisor at the time legislation was constructed.

All of the meetings that I was at in the Subcommittee on Legislation, all the legal questions, which were put by Honourable Members, were put to the member who was the only Legal Advisor at that time, who was Mr. O'Donoghue, and he gave the government the direction that this was legal and this was acceptable.

I cannot give those interpretations to you that were given to me when exactly the same questions were asked. Those questions have to be given by a person who has a Bachelor of Law after his name. The person who did that to the Executive Committee, when these questions were asked, was the official Territorial Government Legal Advisor at that time, who was the only Legal Advisor to the government at that time. All I know is that he can answer the same questions which we directed at him that you are directing at us that we cannot answer, and rightfully so, because it would be wrong for anyone of us to be giving any legal interpretation other than given when this question was asked in Subcommittee on Legislation, the answer was yes, that it is legal.

**Mr. Chairman:** Mr. Taylor.

**Hon. Mr. Taylor:** Yes, Mr. Chairman, this is a government Bill, initially, but I would suggest, if we're getting tangled up in another serious jurisdictional and procedural dispute, I would suggest that we take 13 and perhaps, 11, have it referred back for legal interpretation at any level anyone cares to provide it to us, and that we continue with the Bill and see how far we can get.

**Mr. Chairman:** I don't think that is going to solve our problem, Mr. Taylor, because it is a recurring problem, it has been coming up ever since the Committee was considering the Bill.

I would—Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, the problem is obvious and the draft legislation that you have before you was prepared when there was only Mr. O'Donoghue as the government's legal advisor.

Now, if Honourable Members want to have their own legal advisor look over the legislation which has been introduced and given readings up to this time by the government, then we may as well admit, that to do that, we're going to have to allow that person, who has not seen the legislation, who wasn't on the staff of the Government of the Yukon Territory at the time, time to be able to look at the legislation and analyze it. Now, if Honourable Members want to do that, that is their prerogative. All we are saying is that we could continue with the initial reading of the Bill, with the legal person, who advised the government, in presence, to give those answers that he was giving us as we perused the Bill in Subcommittee on Legislation.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, it's absolutely ridiculous why you keep harping at us and saying do we want a legal advisor. The government has the right to bring in whatever witnesses they want to help provide information to this House.

Now you've got the Executive Committee Member, you've got the Department Head, if you wanted the Legal Advisor here, you could have had him in yesterday. Don't keep asking us whether you can have the Legal Advisor, whether it's the Law Clerk or the Legal Advisor. If you want to give the legal opinion, that the government got, to this House, as we go through the legislation, fine, but it is our prerogative as individuals, or Members of the Legislature to...

**Mr. Chairman:** Order, please.

**Mrs. Watson:** ...to go to the Law Clerk.

Mr. Chairman, I'm getting awfully tired, the same thing all the time, going around and around and around. Either we read the Bill or forget about it or something.

**Mr. Chairman:** Mr. Lang.

**Hon. Mr. Lang:** Mr. Chairman, I would suggest that we ask the Legal Advisor to come in and then we could see how far we expedite the Bill, and if we can't go any further, then I guess we should just leave it.

**Mr. Chairman:** I take it then that the Government is suggesting that they bring in their Legal Advisor as their witness for the further perusal of this Bill.

Is this Committee's wish. Are you in agreement?

I'll declare a brief recess and see if we can find him.

#### Recess

**Mr. Chairman:** I call this Committee to Order.

On Committee's request, we did attempt to find out if the legal aspect of the drafting of that legislation was available, he is not available today. He will be available tomorrow, therefore, I would suggest that we defer further consideration of the *Motor Vehicles Ordinance* until that witness is available.

Is Committee agreed?

**Some Members:** Agreed.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, I was about to say that, rather than waste further time, we should proceed, get the opinion of our Legislative Counsel, who is with us, and get us as far on with this Bill as we can, however, if Committee is of the opinion that they wish to wait, that's fine.

**Mr. Chairman:** It is Committee's opinion we will, therefore, go on with consideration—the present witnesses are excused, thank you.

We will go on to consideration of Bill Number 3: *An Ordinance to Amend the Municipal Ordinance*.

Our present Legal Advisor, Mr. Cosman, was involved in the drafting of this legislation. Would Committee concur that he be present as witness during the deliberation of this Bill?

**Some Members:** Agreed.

**Mr. Chairman:** Mr. Cosman?

Bill Number 3: *An Ordinance to Amend the Municipal Ordinance*.

On Clause 1:

**Mr. Chairman:** We will now enter into general debate on Bill Number 3.

Mr. Lengerke.

**Mr. Lengerke:** Mr. Chairman, I've just got some general comments about the Bill. I welcome it. I've gone through it and certainly, from my experience with municipalities and have been involved in the position of a City Manager, I know well the kind of requests that must have been coming from the municipalities. I am glad to see the role of the Manager broadened a little bit to give him some additional powers, not for sake of the power, but rather to expedite the business of the municipality.

Also, there is a section in there which is for the issuing of summonses in the form of tickets and, as I think all Members have read, the preamble and a provision for a voluntary payment of fines, as opposed to court appearances. I certainly know, again, that this will be something that will smooth it out.

The one part that I really do like and welcome, and I think it

is time we, certainly for Yukon in this period, is the Land Development Agreement and I see the provisions there whereby municipalities now can enter into this type of agreement. I think this is something we are going to see come about in the very near future, so I commend the government for at least making that provision in the Ordinance.

I will have more to say as we go through the clause-by-clause, but those are general comments, Mr. Chairman, at this time.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, a question for the Minister responsible for the Bill. Are you on one or just the general comments?

**Mr. Chairman:** General comments now, Mrs. Watson.

**Mrs. Watson:** Thank you.

**Mr. Chairman:** If there is no further debate on the Bill in general, we will proceed to consideration of Clause 1.

Now, Mrs. Watson.

**Mrs. Watson:** Mr. Chairman, for the Minister of Local Government, Section 30, in the past, used to have limits for the stipend or indemnity that is paid to aldermen and to the mayor, according to the size of the municipality. Is it the intent, as this section reads, to leave this to the discretion of the aldermen and the mayor themselves, the amount of indemnity that they may vote themselves by by-law?

**Hon. Mr. McKinnon:** Yes, Mr. Chairman, that is the intention of the amended section. The Association of Yukon Municipalities made the point to me that I had been instrumental in asking for the provisions of the restrictions of the Yukon Act removed, that let the Federal Government set the indemnity of the Members of the Yukon Legislative Assembly and they found it pretty difficult for me to defend because I used the argument in that instance that the electors, the constituents of Yukon, would let us know by the ballot box if we are giving ourselves too much money, and they thought the same philosophy should be given the responsibility of members of the Municipal Council. I agreed with them in this instance and thought that, as a taxpayer in the City of Whitehorse as other taxpayers would if they thought that the Mayor or the Council were paying themselves too much, that they'd let them know every two years by the ballot box.

**Mr. Chairman:** Any further consideration of clause 1?

Shall Clause 1 carry?

Mr. McKinnon?

**Hon. Mr. McKinnon:** Mr. Chairman, are we doing the same here. I don't know, I haven't had time because the second reading was only in the introduction of finding out from the Association of Yukon Municipalities or any of the Municipal Councils whether they wanted to make representation before Committee, and perhaps they may want to, and if we carry the clauses, and they want to appear before Committee and make points that can change our thinking on the section, if we have accepted the clauses, whether they will be capable of doing that?

**Mr. Chairman:** Well, if Committee so desires, we will not pass the clauses at the present time. Are you agreed?

**Some Members:** Agreed.

On Clause 2:

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, on sub (b)(ii), I believe it is, that's 2.(ii)(b): "suspend where necessary, an administrative officer of the municipality..", I wonder if our Legal Advisor could explain the latitude of what is intended as far as an administrative officer. What does that really mean?

**Mr. Chairman:** Our Law Clerk could perhaps respond to that?

**Mr. Cosman:** I'm present, Mr. Chairman. The meaning of the word 'administrative officer', I shall see if it is defined in the Ordinance, if not, it would take the meaning that ordinarily would be given in terms of common usage, administrative officer meaning such person other than the Mayor or an elected representative or perhaps a Department Head.

The wording of section calls for opinion, where necessary, as well, an administrative officer, so I would take it that the Mayor of the municipality, since he is directed to do these things in certain cases, would be the person making that opinion, forming that opinion, as to what an administrative officer would be.

**Mr. Chairman:** Thank you, Mr. Cosman.

**Mr. McCall?**

**Mr. McCall:** Well, do we take it, Mr. Chairman, that by the latitude of this sub(b) that there is going to be more than one, shall we say Manager or administrator in a municipality where this would probably take place. I use perhaps Whitehorse as an example, being a large cosmopolitan area in the Yukon?

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** I'm sorry, Mr. Chairman, I hadn't realized that particular question was directed to me, I was still looking to the former question to see if there was anything—. Would the Honourable Member please repeat the question?

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Well, my concern here, Mr. Chairman, is that when you read the subsection, it says: "Where a manager has been appointed pursuant to Section 43, the mayor of a municipality shall,

(a) provide direction to the manager in the interpretation of policies adopted by the council, and

(b) suspend where necessary, an administrative officer of the municipality".

I stop there Mr. Chairman, because in sub (a) we are dealing with the principle or concept of a manager which is the administrative officer, I would say, in a municipality. Then we go further in sub (b) and express in language, the administrative officer, which in essence, under normal circumstances, is the town manager. I assume.

What I'm saying is, are we looking at a more lateral type concept of more than just a town manager as a administrative officer dealing with that municipality.

**Mr. Cosman:** Under the Definition Section, in the *Municipal Ordinance*, Manager means a person appointed as Chief Administrative Officer of a municipality, pursuant to Section 43, and therefore, where the words "administrative officer" appear, and "manager" has been treated in another paragraph, paragraph (a), then something else is meant by Administrative Officer in paragraph (b), you are quite right.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** In essence then, Mr. Chairman, it would mean that perhaps an assistant to the Manager, or something like that, would also be termed under the suggested legislation as an administrative officer. Is this what the intent is here?

**Mr. Chairman:** Mr. McKinnon.

**Hon. Mr. McKinnon:** Mr. Chairman, I can't give you, off the top of my head, what an Administrative Officer is in the *Municipal Ordinance*. I believe that it is defined in a limited basis, what constitutes the Administrative Officer of a municipality. It's very limited, it might consist of a Manager and the

Treasurer, and I'm not sure if there is anybody else, or whether the Engineer or someone like that is an Administrative Officer of the municipality.

What, in essence, this Ordinance says, where there is a Manager, the Manager directs the work of these people. Where there isn't a Manager, the Mayor directs the work of these people. Where there is a Manager, the municipal councils and the mayor still want the ability, because of the very limited scope of the Administrative Officers being able to make the decision, that, where necessary, they, the political arm of government, may cause an Administrative Officer of the Municipality to be prosecuted or disciplined only for cause: for negligence, carelessness or violation of duty on his part. There has been a continuing, I don't want to use the word "valid", but a continuing controversy in the municipalities, where the administrative arm of government wanted the political arm to give up that ability of being able to suspend, for cause, an Administrative Officer. In small municipalities, you run into the problem on many occasions, where the Administrative Officers are very close friends, are hand-in-glove, one with the other, all these kinds of problems and, in reality, can usurp the power of the political arm of government if the political arm of government doesn't have the ability for cause for suspending or for disciplining administrative officers.

So, there has been a change in the thinking over the two years, of the AYM, where when they first come into office, when they are normally much more under the administrative arm of government, and then they become politically a little more independent, and now don't feel that they should give up that power of the political arm, and, in this instance, I happen to agree with them, because there could be problems flowing from the closeness of the relationships between the Administrative Officers, particularly in smaller municipalities. This is the decision that they have made, that they want to maintain that power and I happen to agree with them.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** I would like an explanation from the Minister, Mr. Chairman. The difficulty I am having here is really general description of an Administrative Officer in sub (b). Although we haven't gone to section 3 yet, or item 3, it expresses there, "may suspend any employee of the municipality other than an administrative officer". But how do we define this Administrative Officer, how general are we going to accept it? This is the only clarification I want to look at, because they don't have any appeal procedure, like an employee has.

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** Mr. Chairman, I noticed Section 41, of the *Municipal Ordinance*, although it's not an interpretation section or a definition section, states 41(1): "the manager, clerk, treasurer, and auditor, and the solicitor or engineer, when employed in a full time basis, and such other persons as the council may, by bylaw designate", in other words as the council defines, "shall be administrative officers of the council". So the municipal council itself, has the ability, in effect, to define what it considers to be it's administrative officer, and then from that point forward, the definition is cast and the sections operate.

**Mr. Chairman:** Thank you, Mr. Cosman.

**Mr. McCall?**

**Mr. McCall:** Then I take it in the explanation of Section 41, I see no reason for the amendment at this point in time, because they already have that power which has been expressed to you.

**Mr. Chairman:** How so, Mr. McCall?

**Mr. Cosman:** Is that question directed to me?

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** I believe that this is a distinction that is being attempted here. The previous sections in the existing *Municipal Ordinance*, duties of mayor and duties of manager did not apparently, clearly delineate the roles that each would play with respect to the suspension or discipline of various employees or administrative officers of the municipality, and I believe an attempt is made here to show what role the mayor plays and later, what the manager will play with respect to the discipline.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** The argument has been raised that where a municipality has a mayor, done through the normal delegation processes, the manager then takes over the right of the political arm of government to suspend and to prosecute for negligence, an administrative officer.

The municipalities wanted those options clearly delineated that that power of delegation did not go to the manager and away from the political arm of government where there was a manager in a municipality. I think there could be a basis in many parts of this Ordinance where we agree that the present terms of the *Municipal Ordinance* really, in effect, said that, and we received legal advice from both Mr. Cosman and from Mr. O'Donoghue, that perhaps the sections weren't needed because they really did imply what the delineation said in the new Ordinance.

It would be no harm at all, and much easier for municipalities, which have as much problem understanding legislation as many of us do, to clearly delineate in the Ordinance just what the duties of mayor and manager were, depending on the scene, whether there was a manager or whether there was not a manager. That is the legal explanation that I received when I asked the same questions, and I can only ask whether that is a fair interpretation of that legal opinion that I was given?

**Mr. Cosman:** That would seem a fair interpretation, Mr. Chairman?

*On Clause 3:*

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** At the present time, under the terms of the *Municipal Ordinance*, a manager suspends an employee for an hour, or three hours, or half a day for various reasons, not showing up to work two days running; but every one of those suspensions, whether they happen to be for any period of time have to be reported to members of council.

In this instance, the City felt that was really intruding on the proper administrative duties of the manager and wanted to set a time limit as to when the suspension had to be reported to the city council. Members of the Association of Yukon Municipalities felt that the five day suspension, before it had to be reported to members of council, was the type of reasonable time limit that they would like to see included in the Ordinance, which would not intrude on the city manager's ability to administrate the city, but still give the employee some protection if a city manager was out to get an employee or something of that nature.

*On Clause 4:*

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Mr. Chairman, I must have missed something, because I was trying to get up on the previous section and if I may, Mr. Chairman, I would like to comment on Section 6, the new Section 6, where it says that an employee can appeal his suspension or dismissal within five working days. I was wondering if there was a particular reason why five working days. Most other jurisdictions in the Territory have ten working days. I think in order to be consistent with all

those things, we should enter ten working days, or was there a particular reason why not?

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** No particular reason, Mr. Chairman, the Association of Yukon Municipalities suggested five and I wasn't aware of the provisions of suspension in other Territorial Ordinances and I think that it's their Bill that they work under and I had no problems with accepting five for them.

*On Clause 5:*

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, I wonder if the Minister could give us an explanation on this why the enhancement and enforcement is being beefed up the way it is?

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** I can give you a reason why this section was wanted by the AYM and why it's in here and what have been told it purports to do by the legal people. That is, under the present *Municipal Ordinance*, if a person had been nailed under a zoning bylaw or under a public litter bylaw or any of those bylaws, that he said okay, you caught me, I'm guilty as sin, that the only way he could go about repaying his debt to society was receiving a summons and taking time off work and going to court and appearing.

This section, as I understand it, now gives, under certain specific bylaws that the City wants them to apply to, the power that if the person says, I'm guilty, you caught me, I want to pay my fine and that's the end of it, he doesn't have to go to court and he doesn't have to take time off work or set a court appearance to have to go to pay the fine.

In a lot of instances I know that the City has been under pressure, that the people are madder at having to accept a summons and go to court than having been caught in the infraction, which they say, you know, yeah, I'm guilty, but I don't want to go to court, I just want to pay my fine.

So, I understand that this series of sections under 69 allows this to happen that now they no longer have to make a court appearance under bylaws if they do not choose to fight the ticket and don't want to appear in court.

**Mr. Chairman:** But surely, Mr. McKinnon, this has been present before now.

**Mr. Chairman:** Only under the Traffic By-laws, Mr. Chairman, as I understand it. Under no other by-laws, whether they be zoning or whether they be public littering or any of those, other than motor vehicle by-laws, this is the only area where they have been able, the By-law Enforcement Officer, to give, like, a parking ticket or a traffic violation and if you don't want to contest, then you can pay without going to court, but in all other areas, as I understand it, people received a summons, would have to go to court.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** I am having difficulty with this particular Section 5. Mr. Chairman, we make reference to summary convictions under the *Criminal Code* and yet, in Section 4, we make reference to all sections of this particular Bill and it spells out the summary conviction of \$500 dollars or imprisonment not exceeding six months. I know there is a specific explanation for the reference to the summary conviction under the *Criminal Code*, but I see nowhere where it is explained that this section and the reference to the *Criminal Code* is included as the summary conviction. What is a summary conviction under Section 5, if it is separate and aside from Section 4, where we spell out the summary conviction dealing with this Ordinance. What is the summary conviction under the *Criminal Code* and why isn't it explained in the proposed

amendment?

**Mr. Chairman:** Mr. Cosman.

**Mr. Cosman:** Yes, I'd like to answer to that. First of all, Section 4 of the Bill, which repeals and replaces 69.(1), simply adds the words "subject to Section 69.1", and the rest leaves the Section intact as it appears, as 69, in the existing *Municipal Ordinance*. I admit that it does not, in that section, refer to summary conviction under the *Criminal Code* and, in fact, in our 69.(1), the new provisions that we have added with respect to a ticketed summons, does refer to the *Criminal Code*.

The summary conviction procedure is set out under the *Criminal Code* and the simple mention of "is liable on summary conviction to a fine", et cetera, et cetera, does, by deeming provision in the *Criminal Code*, deem it to be a process under the *Criminal Code*. So, it, strictly speaking, isn't necessary to mention the *Criminal Code*. When we speak of summary conviction procedure, we're under the *Criminal Code*.

Your point is well taken. The section, as drafted, with respect to ticket summons, could easily, for example, in subsection (1), could easily stop at the end of the word "by way of summary conviction" period. It makes no difference, in law, that we have added the words "under the *Criminal Code*". It's just that that particular provision is more explanatory of the two procedures, that there is a ticketed summons procedure or summary conviction under the *Criminal Code*. It would, in itself, be more explanatory, I would think.

**Mr. Chairman:** Mr. McCall.

**Mr. McCall:** I would take it then, Mr. Chairman, that the clarification that has just been put forward, maybe we should consider deleting the latter words "under the *Criminal Code*". Mind you, when you do that, and you get a municipal alderman looking at this piece of legislation, are they going to throw the book at somebody for a parking ticket, it's going to be a pretty expensive parking ticket by the looks at that summary conviction under the legislation of \$500.

**Mr. Cosman:** I would like to answer to that, again, if I may, Mr. Chairman and Mr. Minister.

A requirement under subsection 6 of the ticketed summons provision ties into the amending of the ticket in like manner and to the like extent as an information may be amended under the *Criminal Code* and the matter may be proceeded on by way of summary conviction under the *Criminal Code*. We will have to have reference to the *Criminal Code* in one event there, when we refer to the manner, the like manner in which the information may be amended. That's all I can offer on that. I would like to see those words remain in. I think they are necessary in that, from a legal point of view.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** I have no great hang-ups on that, Mr. Chairman, but I would like to see some sort of maximum when you are dealing with a summary conviction. Otherwise, there is a possibility looking, at this language, that somebody could run rampant with a \$1 parking ticket. This is my only concern. For clarification, I was wondering, Mr. Chairman, if the Legal Advisor could advise us that perhaps there is a grey area there which could be tightened up to express itself a little more clearly.

**Mr. Cosman:** Mr. Chairman, the *Criminal Code*, as I recall, sets out maximums under summary conviction offences, and I believe they are \$500 and/or six months. I believe that is the fine, and the maximum now.

However, the point is well taken that, in the event the *Criminal Code* might be amended some time in the future to increase these things, you would inherently be writing in an increase in fines and provisions. But of course, we are tied into summary conviction procedure so closely that it might be a

good idea that in fact we simply do refer to the *Criminal Code* Summary Conviction Procedure and let the penalties lie as they are under that code.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Yes, Mr. Chairman, I was wondering if Mr. Legal Advisor could possibly tell me if it's common practice in Canada to convict people under the *Criminal Code* for an offence such as under a zoning bylaw. This is the thing we would be really talking about here. To me, it's not the right place to convict somebody. It's not a criminal matter to offend a zoning bylaw, by maybe being extended out in the lane, or something like this. Shouldn't there be another court method to be used instead of the *Criminal Code*?

**Mr. Chairman:** Mr. Cosman?

**Mr. Cosman:** Yes, Mr. Chairman, first of all, I can't speak from experience as to whether it is common practice throughout Canada that Summary Convictions and enforcement of municipal bylaws dovetail into the provisions of the *Criminal Code*. I suspect they do in the case where the jurisdiction does not have a summary conviction act or a summary conviction ordinance supplanting the *Criminal Code* in that area.

In the absence of a summary conviction ordinance in the Yukon Territory, then the method we follow is a system of magistrate's court, and he applies summary conviction procedure pursuant to the *Criminal Code*.

**Mr. Berger:** Even in civil matters, procedures.

**Mr. Cosman:** In the enforcement of bylaws and ordinances, if we could call—these are not exactly civil matters, such as I trespass on your property — it's the enforcement of a law and it's quasi-criminal — it's in that grey area in between. The enforcement of a bylaw would not, in my opinion, be purely a civil matter. The person who offends a zoning bylaw, just as he offends the motor vehicle bylaws, speeding, drinking while driving on the highway, is offending the law of the land, more so than simply harming his neighbour under a civil concept.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, while you are dealing with section 10, I would certainly suggest that in 10 (1), leave out the words "in his discretion". They are not needed at all. The implications of it are not very good.

"The Registrar may, subject to the restrictions..."

He may, upon receiving an application. His discretion has nothing to do with it really, subject to the restrictions that we have outlined and just take it out, it is not needed.

**Mr. Chairman:** Point of Order, Mrs. Watson, after amending this subsection, we can't go back over that part of the section that has already been covered.

**Mrs. Watson:** Mr. Chairman, here we go again. I thought we had the understanding that we would be able to go back. I was a little alarmed this afternoon when we started rolling in, "agreed, agreed." I thought, well, what does this mean? Does this mean that we cannot go back?

I distinctly think Mr. Chairman said that we should have the right to go back in this Legislation.

**Mr. Chairman:** I am merely referring to our Standing Orders, Mrs. Watson, where if we do have an amendment to a clause, then we cannot go to the part of the clause that has already been covered, again.

**Mrs. Watson:** Mr. Chairman, we didn't agree to that part.

**Mr. Chairman:** If it is Committee's wish then, we will carry on with further consideration of Section 10.

**Mr. McCall:** I think maybe we should clarify that point Mrs. Watson brought up a moment ago. I think that was the

general understanding, when the Chairman was asked at the commencement of reading of this Bill, that the opportunity would be given to come back to any particular section in dealing with the Bill and it would save you considerable amount of time in reading through these sections, item by item. That was the understanding this morning, the way I read the discussion on that matter.

**Mr. Chairman:** Yes, that is what I just said, Mr. McCall. Is there any further consideration of Clause 10 at this time?

Clause 11.

*On Clause 11*

**Mr. Chairman:** Ms Millard?

**Ms Millard:** Mr. Chairman, I was very interested in this section because I was trying to find out what the present age limit is and I phoned Motor Vehicles and they said that you have to be fifteen to get a learner's licence and you have to be sixteen to get a full licence. I could not find any Legislation that supports that. I couldn't find anything in the Regulations and I couldn't find anything in the present *Motor Vehicles Ordinance*. I was just wondering where it might be.

**Mr. Spray:** Mr. Chairman, I don't have the Ordinance and Regulations here but I most certainly will do the necessary research and bring that answer back.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, I have a question on 11. "An operator who is licensed in the learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person who is at least 18 years of age and who holds an operator's licence, valid for the operation of the vehicle being used and is sitting immediately beside the licensee as engaged in teaching him to drive or is engaged in conducting a driver's examination."

That part, when the licence is issued, can any category of licence be issued to a learner? In other words, 4, 5, 6, or is it just one category?

**Mr. Spray:** Mr. Chairman, it could be for any category but the person who is sitting beside the learner must hold the licence of that category.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, then that does mean, and it so states, and this is what I do have some concern over when we are talking about someone fifteen years or over who has the right to apply for any type of Motor Vehicle. Now, that is quite extensive, for any class of motor vehicle. We are looking at a fifteen year old. I think that some of us are a little concerned about that.

**Mr. Spray:** Mr. Chairman, there are certain restrictions. I must qualify my previous answer to the Member. There are certain restriction on a class of licence as to age. If you are dealing with a class 1 licence which is for heavy trucks, buses, it may state that only a person 18 years of age may drive that.

Obviously, then you may not have a learner's licence for that class at age 15. This would be qualified in the Regulations regarding classifications of licences which will be coming forward tomorrow.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Yes, Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

**Mr. Chairman:** It has been moved by Mr. McCall, seconded by Mr. Fleming that Mr. Speaker do now resume the Chair.

*Motion agreed to*

**Mr. Chairman:** The witness is excused, thank you, Mr. Cosman.

*Speaker resumes the Chair*

**Mr. Speaker:** I will now call the House to order.

May we have a report from the Chairman of Committees.

**Mr. Hibberd:** Your Committee resumed its consideration of Bill Number 1, *Motor Vehicles Ordinance*; and Bill Number 3, *An Ordinance to Amend the Municipal Ordinance*. Committee has asked me to report progress on these Bills, and do ask leave to sit again.

**Mr. Speaker:** You have heard the report of the Chairman of Committees.

Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted.

May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Chairman, I would move that we call it five o'clock.

**Ms Millard:** I will second that Motion.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it 5 o'clock.

*Motion agreed to*

**Mr. Speaker:** This House now stands adjourned until 10 a.m. tomorrow morning.

*Adjourned*

## The following Sessional Papers Were Tabled

77-1

Speech from the Throne (November 5, 1977)

77-2-2

Electoral District Boundaries Commission Report (November 7, 1977)

77-2-3

Resolutions and Replies - 1977 (1st) Session (November 8, 1977)

77-2-4

Yukon Public Service Staff Relations Board  
1976 Annual Report, 1976-77 (November 8, 1977)

77-2-5

Green Paper on Appointment to the Yukon Territorial Water Board (November 8, 1977)

77-2-6

Yukon Hospital Insurance Services Annual Report, 1976 (November 8, 1977)

77-2-7

Report to the Council of the Yukon Territory on the Examination of the Accounts and Financial Statement of the Yukon Workmen's Compensation Fund for the year ended March 31, 1976.

## SESSIONAL PAPER NO.5

**GREEN PAPER ON  
Appointment to the  
YUKON TERRITORIAL WATER BOARD  
1977 (Second) Session****Mr. Speaker,  
Members of the Assembly**

The Legislative Assembly during the 1977 (First) Session, resolved that Bert Boyd's appointment as Chairman of the Territorial Water Board should be extended for an additional three years. The Minister accordingly extended Mr. Boyd's appointment to July 31, 1980.

Unfortunately, Mr. Boyd's illness has forced him to resign from the Territorial Water Board, and Dr. Hollingshead (Indian Affairs and Northern Development representative) as Vice-Chairman has had to temporarily assume the duties of Chairman. Unhappily it will be necessary to replace Mr. Boyd as a member of the Board, and to fill the position of Chairman.

The Territorial Water Board as presently constituted has representatives from the three Federal Departments most concerned with the management of water resources: Indian Affairs and Northern Development; Environment; and National Health and Welfare. In addition there are six other members who are nominated by the Commissioner in Council and serve as Yukon representatives. The Minister then designates two members of the Board to be Chairman and Vice-Chairman, respectively.

The current Yukon representatives on the Board are: Mr. Cliff Geddes, appointment expires in July 1978; Mr. Keith Byram, term expires March 23, 1980; Mr. Neil Olsen, appointment expires May 1980; Mr. Charles Eikland, appointment expires May 1980; and Mr. Michael Stutter, appointment expires May 1980.

The Yukon Legislative Assembly is being asked to recommend to the Minister of Indian Affairs and Northern Development, the name of a person to be appointed as a member of the Yukon Territorial Water Board, and to recommend a candidate from among the members of the Board for the office of Chairman.

November 2, 1977

A.M. Pearson